



An
Bord
Pleanála

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

Inspector's Report ABP-313129-22

Strategic Housing Development

Demolition of the former Chadwick's Builders Merchant development, construction of 633 no. Build to Rent apartments, creche and associated site works.

Location

Former Chadwick's Builders Merchant development, South of Greenhills Road, North of the existing access road serving Greenhills Industrial Estate, Walkinstown, Dublin 12 (www.greenvaleshd.com).

Planning Authority

South Dublin County Council

Applicant

Steeplefield Limited

Prescribed Bodies

Inland Fisheries Ireland

Transport Infrastructure Ireland
National Transport Authority
Irish Water

Observer(s)

Joseph Brennan Bakeries
John Conway and the Louth
Environmental Group

Date of Site Inspection

7th June 2022

Inspector

Sarah Moran

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1.0 Introduction

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

2.0 Site Location and Description

- 2.1. The site is located on the southern side of Greenhills Road, adjacent to the Greenhills and Ballymount industrial estates. The area around the site is characterised by industrial lands with large sheds and warehouses in operation for various industrial uses. The wider location is characterised by two storey housing and Walkinstown Roundabout is located c. 100m northeast of the site, providing a range of services and amenities.
- 2.2. The site has a stated area of 2.79 ha and is currently occupied by a disused industrial complex (Chadwicks Builders Merchants, stated area 11,120 sq.m.). It is currently accessed via an existing road within the Greenhills Industrial Estate that serves several other industrial units. There is a significant change in levels between the ground level of the site and the adjoining Greenhills Road, with the site c. 6m lower than the road level. A wayleave associated with the presence of an Irish Water watermain traverses part of the northern side of the site. Part of the Core Bus Corridor 9, Tallaght / Clondalkin to City Centre Bus Connects scheme runs along Greenhills Road to the north of the site. The detailed design of CBC 9 has not yet been finalised, as per the submission on file of the National Transport Authority.

3.0 Proposed Strategic Housing Development

- 3.1.1. The development is to be constructed in four no. blocks A, B, C and D, which have apartments over commercial units at ground floor level. The following key parameters of the development are noted:

Site Area	2.79 ha
Residential Units	633 no. Build to Rent (BTR) apartments
Total Gross Resi Floorspace	58,051 sq.m.

Building Height	5 – 12 storeys
Residential Density	226.9 units/ha
Site Coverage	52%
Plot Ratio	2.61
Aspect (apartments)	298 no. dual aspect units (47%)
Public and Communal Open Space and Residents Amenities	<p>Outdoor communal amenity space (5,020 sq.m.) comprising landscaped courtyards that include play areas, seating areas and gardens located on podiums at first and second floor levels.</p> <p>Communal amenity roof garden in Block C with seating area and planting (176 sq.m.).</p> <p>Central public open space (3,380 sq.m.) adjacent to Blocks B and C comprising grassed areas, planting, seating areas, play areas, water feature, flexible use space.</p> <p>Incidental open space/public realm.</p>
Childcare	One childcare facility on the ground floor of Block A with associated enclosed play area
Part V	Provision of 64 no. units comprising 33 no. one bed units, 23 no. two bed units and eight no. three bed units.
Roads / Vehicular / Pedestrian Access	Three no. vehicular entrances. A primary entrance via vehicular ramp from Greenhills Road to the north and two no. secondary entrances from the existing road to the south within Greenhills Industrial Estate, to be used for emergency access and services with additional pedestrian accesses proposed along Greenhills Road and at the southern site boundary.
Car and Cycle Parking	<p>Total of 439 no. car parking spaces comprising:</p> <ul style="list-style-type: none"> • 398 no. residents spaces for the apartments • 21 no. accessible spaces for the apartments • 15 no. commercial/ unloading/ drop-off on-street spaces at ground floor level for the creche and commercial units • 5 no. car club spaces • Ratio of 0.66 spaces per residential unit <p>Also 4 no. motorcycle spaces at ground floor level parking area within Blocks C and D.</p> <p>Total of 1,363 no. cycle parking spaces comprising:</p>

	<ul style="list-style-type: none"> • 1,035 no. residents' cycle spaces • 5 no. accessible cycle spaces • 7 no. cargo cycle spaces • 316 no. external visitors' cycle spaces <p>The internal spaces are to be provided in 9 no. cycle storerooms in ground and first floor parking areas within Blocks A, C and D.</p>
Non-residential uses	10 no. commercial units, total GFA 1,330 sq.m.
Residents Support Facilities, Services and Amenities	Include co-working spaces, communal meeting rooms/ work spaces, gym, residents' lounges, studio, laundry room, multi-function space with kitchen, games room with kitchenette, media room, management office with ancillary staff room, parcel room, laundry facilities.
Ancillary Development	Demolition of existing structures on the site, landscaping and infrastructural works, foul and surface water drainage, bin storage, ESB substations, plant rooms, boundary treatments, internal roads, cycle paths and footpaths and all associated site works to facilitate the development.

3.2. The development comprises 633 no. Build to Rent (BTR) apartment units as follows:

Unit Type	No. of Units	%
1 bed	292	46%
2 bed	280	44%
3 bed	61	10%
Total	633	

3.3. The application includes a draft Section 47 Agreement between the applicant and South Dublin County Council (SDCC), which states that the developer agrees with the Council to restrict and regulate the development for the period of 15 years from the date of the planning permission, such that the development shall remain owned and operated by a single entity and no individual residential unit within the development may be sold or rented separately.

- 3.4. The application is accompanied by an EIAR, an AA Screening Report and a Statement of Material Contravention. Two architectural models of the development have also been submitted.

4.0 **Planning History**

- 4.1. There are no previous applications on file in relation to the development site.

5.0 **Section 5 Pre Application Consultation**

5.1. **Pre-Application Consultation ABP-310421-21**

- 5.1.1. The pre-application consultation related to a proposal to construct 702 BTR apartments, a childcare facility, two no. commercial units and ancillary facilities at the site. The proposed development involved four blocks of 5-19 storeys in height. A section 5 consultation meeting took place on 4th October 2021 between representatives of ABP, the planning authority, and the prospective applicant. Following consideration of the issues raised during the consultation process and having regard to the opinion of the planning authority, the Board issued an Opinion on 7th October 2021 that the documentation submitted required further consideration and amendment to constitute a reasonable basis for an application for strategic housing development. The issues raised in the Opinion were as follows.

1. City Edge Masterplan

Further consideration/clarification is required of how the proposed development responds to the preferred scenarios identified for the City Edge Project. Further consideration of this matter may require an amendment to the documents and/or design proposals submitted.

2. Density and Building Height

Further consideration is required of how the proposed development density and building heights up to 19 storeys align with National Planning Policy principles, including those described in the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas; Design Standards for New Apartments Guidelines for Planning Authorities; and Urban Development and Building Heights Guidelines for Planning Authorities. Clarification is specifically

required in relation to how the character of the site location and its public transport accessibility meet the criteria set out in those guidelines, both presently, and in the future context, following alterations to the frequency of bus routes serving the site. Further consideration of this matter may require an amendment to the documents and design proposals submitted.

3. Design Strategy

The prospective applicant should provide further justification and/or detail in relation to the design strategy. In particular, the prospective applicant should provide further justification and/or detail in relation to the following:

1. The visual impact of the development upon the surrounding area;
2. The elevational treatment of blocks;
3. The mass of development form;
4. The treatment of the frontage to Greenhills Road in both its current and anticipated future form; and
5. Connectivity through the site.

5.2. **Applicant's Response to Pre-Application Opinion**

5.2.1. The application includes a statement of response to the pre-application consultation, as provided for under section 8(1)(iv) of the Act of 2016, which outlines the information/documentation submitted as specified in the ABP Opinion. The matters addressed in the applicant's documentation may be summarised as follows.

5.2.2. Response to City Edge Masterplan Issue

- The City Edge strategic framework is currently in its early stages. However, the proposed development has been aligned with the general design principles of the strategic framework where possible.
- The development design team have consulted with the City Edge team on three occasions, meeting on 29th October and 15th November 2021 and a follow up email on 29th November 2021. Minutes of same are submitted. The City Edge team were presented with the proposed design and feedback received, which has been incorporated into the final proposed development. The issues raised by the City Edge team were addressed as follows.

- Proposed land use issue and provision of workspaces / large scale commercial uses. The development now includes 10 no. commercial units, distributed throughout the four blocks. The commercial units will provide commercial space for employment creation and active street frontage.
- Consistency with Bus Connects proposals for Calmount Road. The development has been designed to align with the most up to date Bus Connects proposals for the area.
- Stronger street edge to the Greenhills Road. Block C faces Greenhills Road with the creche and two commercial units at this frontage and a hardstanding providing a public plaza and landscaped public realm. It is difficult to provide a frontage along the remainder of the boundary due to the presence of a watermain and associated wayleave. Irish Water have confirmed that they do not intend to relocate the wayleave.
- Position of the public open space with regards to overshadowing from Block D. Building heights have been reduced at this location to improve daylight levels in the central public open space. Courtyards will serve first and second floor levels with a clear distinction between public and communal open spaces.
- Height difference between Greenhills Road and the ground floor of the development. Submitted cross sections clearly indicate site topography and floor levels. The development will front onto Greenhills Road, providing active frontages and a public plaza adjoining the road. The main vehicular and pedestrian entrance to the development is from Greenhills Road via a ramp.
- Lack of permeability through the site. The development includes pedestrian linkages along the eastern boundary and a central linkage through the site. It has been designed with regard to the key design principles of the City Edge Project. It can sit comfortably in its emerging scenario and has been designed to take account of changes to the road network due to Bus Connects.
- The development has been set back from the eastern, southern and western site boundaries to protect the development potential of adjoining sites. Adequate setbacks from each block to the site boundary have been provided to limit

opportunities for overlooking and overshadowing of any future developments to the east, south and west.

5.2.3. Response to Density and Building Height Issue

- The development proposed at pre-application had a height of 5-19 storeys and contained 702 no. units. The current proposed development has a height of 5-12 storeys and 633 no. units, which represents a significant reduction in height and density from that considered at pre-application stage.
- The application addresses SPPR 3 and the criteria set out in section 3.2 of the Building Height Guidelines. A detailed rationale of the development with regard to the criteria is submitted.

5.2.4. Response to Design Strategy Issue

- A Townscape and Visual Impact Assessment (TVIA) of the development is submitted.
- The development will contribute to the area through enhanced public realm, active frontages at ground level, an improved architectural relationship with the streetscape and provision of a visual focal point at this location.
- The elevations of the development incorporate a variety of high quality materials, which break up the massing of the blocks and create visual interest.
- The frontage to Greenhills Road has been given careful consideration and will avoid the Irish Water wayleave at this location. The active frontages of apartments and commercial units will provide passive surveillance and pedestrian permeability.
- The proposed layout will work with the current and proposed road layouts for the area. The layout provides good connectivity with an access ramp from Greenhills Road with pedestrian and cycle connections.
- The final design incorporates further height reductions and block realignments with an associated impact on the massing and elevational treatment of the blocks.
- The Architectural Design Statement provides a detailed rationale for the proposed final design in response to the pre-application Opinion.

6.0 Relevant Planning Policy

6.1. Section 28 Ministerial Guidelines

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

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (including the associated Urban Design Manual)
- Design Standards for New Apartments Guidelines for Planning Authorities (as updated 2020)
- Design Manual for Urban Roads and Streets (DMURS)
- The Planning System and Flood Risk Management (including the associated Technical Appendices)
- Childcare Facilities Guidelines for Planning Authorities
- Urban Development and Building Heights Guidelines for Planning Authorities

6.2. Project Ireland 2040 National Planning Framework

6.2.1. The National Planning Framework (NPF) is a high-level strategic plan shaping the future growth and development of Ireland to 2040. The NPF includes 75 no. National Policy Objectives. The following objectives are of note in this instance:

NPO 3(a) Deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements.

NPO 3(b) To deliver at least half (50%) of all new homes that are targeted in the five Cities and suburbs of Dublin, Cork, Limerick, Galway, and Waterford, within their existing built-up footprints.

NPO 4 To ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.

NPO 11 In meeting urban development requirements, there will be a presumption in favour of development that can encourage more people and generate more jobs and

activity within existing cities, towns, and villages, subject to development meeting appropriate planning standards and achieving targeted growth.

NPO 13 In urban areas, planning, and related standards, including height and car parking will be based on performance criteria that seek to achieve well-designed high-quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.

NPO 27 Ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments and integrating physical activity facilities for all ages.

NPO 33 Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.

NPO 35 To increase densities in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

6.3. Eastern and Midland Regional Assembly Regional Spatial and Economic Strategy 2019-2031

- 6.3.1. The Dublin Metropolitan Area Strategic Plan (MASP) is an integrated land use and transportation strategy for the Dublin Metropolitan Area, which seeks to manage the sustainable and compact growth of the Dublin Metropolitan Area. The following Regional Policy objectives are noted in particular:

RPO 3.2 Promote compact urban growth - targets of at least 50% of all new homes to be built, to be within or contiguous to the existing built up area of Dublin city and suburbs and a target of at least 30% for other urban areas.

RPO 4.3 Support the consolidation and re-intensification of infill/brownfield sites to provide high density and people intensive uses within the existing built up area of Dublin City and suburbs and ensure that the development of future development areas is co-ordinated with the delivery of key water infrastructure and public transport projects.

RPO 5.3 Future development in the Dublin Metropolitan Area shall be planned and designed in a manner that facilitates sustainable travel patterns, with a particular focus on increasing the share of active modes (walking and cycling) and public transport use and creating a safe attractive street environment for pedestrians and cyclists.

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

RPO 5.5 Future residential development supporting the right housing and tenure mix within the Dublin Metropolitan Area shall follow a clear sequential approach, with a primary focus on the consolidation of Dublin and suburbs, and the development of Key Metropolitan Towns, as set out in the Metropolitan Area Strategic Plan (MASP) and in line with the overall Settlement Strategy for the RSES. Identification of suitable residential development sites shall be supported by a quality site selection process that addresses environmental concerns.

6.4. South Dublin County Development Plan 2016-2022

- 6.4.1. The site has the zoning objective REGEN 'To facilitate enterprise and/or residential-led regeneration' as per development plan map no. 5. The development plan Core Strategy states that REGEN zoned lands are to be developed to contribute to development plan housing targets, with increased capacity due to development of proposed high capacity public transport projects. The following Core Strategy objective applies:

CS1 Objective 2: To promote and support the regeneration of underutilised industrial areas in areas designated with Zoning Objective Regeneration 'REGEN' (to facilitate enterprise and/or residential led development).

The development site is within the lands that are subject to development plan Variation no.3, which includes the following relevant objective:

CS6 SLO 1: To initiate a plan led approach to the sustainable regeneration of the brownfield lands in the Naas Road / Ballymount REGEN zoned lands. The plan led

approach will include the preparation of a masterplan in 2019 with a view to preparing a Local Area Plan or other appropriate mechanism for the Regeneration (REGEN) and Local Centre (LC) at Walkinstown zoned lands. The masterplan will provide a framework for the sequential and phased development of the lands, integrating sustainable transport, land use and blue and green infrastructure. The spatial planning of the area will be informed by the Naas Road Framework Plan (2010).

6.4.2. Development plan table 11.4 indicates that the land uses ‘childcare facilities’, ‘open space’, ‘recreational facility’, ‘residential’, ‘restaurant-café’ and ‘shop-local’ are permitted in principle under the REGEN zoning objective. Development plan section 11.2.4 states that development in Regeneration zones will be assessed against the relevant criteria within the Urban Design Manual, DMURS as appropriate, as well as the following criteria:

- Demonstrate a clear transition towards a more urban form of development and a traditional street network.
- Address connectivity and linkages in the area and demonstrate that the development of the site would not give rise to isolated piecemeal pockets of residential development that are disconnected from shops, amenities and/or other residences.
- Residential development should not be introduced at ground floor level adjacent to busy roads, and/or roads that are subject to significant movements by Heavy Goods Vehicles (HGVs).
- Given the transitional nature of Regeneration zones, precautions will be taken to ensure that the potential for noise pollution, air pollution or other nuisance from established industrial uses will not exceed acceptable environmental standards. The Planning Authority may seek a report from a suitably qualified person to identify and quantify sources of noise pollution, air pollution, or nuisance, assess the potential impacts on the proposed development and provide a series of recommendations to mitigate the impacts of any pollutants insofar as possible (e.g. orientation and layout of dwellings, positioning of openings and insulation).

- It may be necessary to consider improvements to the surrounding road and street network in conjunction with the Planning Authority, to calm traffic and improve pedestrian and cyclist access.

6.4.3. Development plan Chapter 2 deals with Housing and outlines policies and objectives in relation to new housing and includes objectives relating to urban design, densities, building heights, mix of dwelling types and open space. The following policies and objectives are noted in particular:

H1 Objective 4: To promote social integration and facilitate a diverse range of dwelling tenures within housing developments, including social housing in a balanced way in all Local Electoral Areas of the County.

Policy H6 Sustainable Communities: It is the policy of the Council to support the development of sustainable communities and to ensure that new housing development is carried out in accordance with Government policy in relation to the development of housing and residential communities.

Policy H7 Urban Design in Residential Developments: It is the policy of the Council to ensure that all new residential development within the County is of high quality design and complies with Government guidance on the design of sustainable residential development and residential streets including that prepared by the Minister under Section 28 of the Planning & Development Act 2000 (as amended).

Policy H8 Residential Densities: It is the policy of the Council to promote higher residential densities at appropriate locations and to ensure that the density of new residential development is appropriate to its location and surrounding context.

Policy H8 Objective 1: To ensure that the density of residential development makes efficient use of zoned lands and maximises the value of existing and planned infrastructure and services, including public transport, physical and social infrastructure, in accordance with the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, DEHLG (2009).

Policy H8 Objective 2: To consider higher residential densities at appropriate locations that are close to Town, District and Local Centres and high capacity public transport corridors in accordance with the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, DEHLG (2009).

Policy H8 Objective 4: To support proposals for more intensive enterprise and/or residential led development within areas designated with Zoning Objective 'REGEN' (To facilitate enterprise and/or residential led regeneration), subject to appropriate design safeguards and based on traditional urban forms that adhere to urban design criteria.

Policy H9 Residential Building Heights: It is the policy of the Council to support varied building heights across residential and mixed use areas in South Dublin County.

Policy H9 Objective 1: To encourage varied building heights in new residential developments to support compact urban form, sense of place, urban legibility and visual diversity.

Policy H9 Objective 3: To ensure that new residential developments immediately adjoining existing one and two storey housing incorporate a gradual change in building heights with no significant marked increase in building height in close proximity to existing housing (see also Section 11.2.7 Building Height).

Policy H9 Objective 4: To direct tall buildings that exceed five storeys in height to strategic and landmark locations in Town Centres, Mixed Use zones and Strategic Development Zones and subject to an approved Local Area Plan or Planning Scheme.

Policy H10 Mix of Dwelling Types: It is the policy of the Council to ensure that a wide variety of adaptable housing types, sizes and tenures are provided in the County in accordance with the provisions of the Interim South Dublin County Council Housing Strategy 2016-2022.

Policy H11 Residential Design and Layout: It is the policy of the Council to promote a high quality of design and layout in new residential development and to ensure a high quality living environment for residents, in terms of the standard of individual dwelling units and the overall layout and appearance of the development.

Policy H12 Public Open Space: It is the policy of the Council to ensure that all residential development is served by a clear hierarchy and network of high quality public open spaces that provides for active and passive recreation and enhances the visual character, identity and amenity of the area.

Policy H16 Steep or Varying topography Sites: It is the policy of the Council to ensure that development on lands with a steep and/or varying topography is designed and sited to minimise impacts on the natural slope of the site.

6.4.4. Development plan section 5.1.5 addresses building heights in urban centres. The following policies apply:

Policy UC 6 Building Heights: It is the policy of the Council to support varied building heights across town, district, village and local centres and regeneration areas in South Dublin County.

UC6 Objective 1: To encourage varied building heights in town, district, village, local and regeneration areas to support compact urban form, sense of place, urban legibility and visual diversity while maintaining a general restriction on the development of tall buildings adjacent to two-storey housing.

UC6 Objective 2: To ensure that higher buildings in established areas take account of and respect the surrounding context.

UC6 Objective 3: To direct tall buildings that exceed five storeys in height to strategic and landmark locations in Town Centre, Regeneration and Strategic Development Zones, and subject to an approved Local Area Plan or Planning Scheme.

6.4.5. Development plan section 11.2.7 also addresses building heights, stating that varied building heights are supported across residential areas, urban centres and regeneration zones in South Dublin County, subject to appropriate safeguards to protect the amenity of the area. Proposals for 'tall buildings', that exceed five storeys will only be considered at areas of strategic planning importance such as key nodes, along the main street network and along principal open spaces in Town Centres, Regeneration zones and Strategic Development Zones, and subject to an approved Local Area Plan or Planning Scheme. The appropriate maximum or minimum height of any building is to be determined by:

- The prevailing building height in the surrounding area.
- The proximity of existing housing - new residential development that adjoins existing one and/or two storey housing (backs or sides onto or faces) shall be no more than two storeys in height, unless a separation distance of 35 metres or greater is achieved.

- The formation of a cohesive streetscape pattern – including height and scale of the proposed development in relation to width of the street, or area of open space.
- The proximity of any Protected Structures, Architectural Conservation Areas and/or other sensitive development.

6.4.6. A Six Year Roads Objective applies to Greenhills Road at the development site as per development plan Map no. 5. Table 6.5 describes the Greenhill Road upgrade as follows:

Upgrade of Greenhills Road from Airton Road to Walkinstown Roundabout with new links to Ballymount Avenue, Limekiln Road and Calmount Road.

To provide improved access to/between employment lands within Tallaght, Ballymount and Robinhood and to provide improved access to and from the Greenpark, Limekiln and Greenhills area.

6.5. Dublin City Edge Project

6.5.1. The Dublin City Edge Project is funded by the Urban Regeneration and Development Fund (URDF). The project is to prepare a Strategic Framework for 700 ha of lands in the Naas Road, Ballymount and Park West areas east of the M50 that straddle the border between Dublin City and South Dublin. There are three phases comprising Phase 1 Baseline Analysis, Phase 2 Plan Making and Phase 3 Implementation. Phase 1 commenced in 2021 and is currently ongoing. South Dublin County Council and Dublin City Council undertook public consultation to inform the draft strategic framework between 9th September to 6th October 2021.

6.5.2. The Emerging Preferred Scenario, presented as part of the public consultation exercise, comprises a mix of residential-led development with significant employment, based around the creation of several development nodes of different character. The stated Emerging Vision is:

To create a new mixed use and climate resilient high density urban quarter in the city, where the citizens of the Greater Dublin Area will be able to access affordable homes, live close to where they work, in an area home to outstanding public amenities and public transport services.

Building upon its rich history of employment, the area will support the retention, consolidation and the creation of new employment opportunities, culminating in the creation of a self-sustaining and integrated part of the city, where family, community, visitors and the economy can prosper in a distinctive Dublin setting.

The stated key objectives are as follows:

- Liveable City Follow compact growth and 10-minute city principles
- Economy Create a resilient and diverse employment offer with scope for up to 65,000 – 75,000 jobs.
- Housing Accommodate a range and variety of new homes for up to 75,000 – 85,000 people.
- Environment Target 50% green cover
- Movement Focus development on the provision of active and public transport
- Character & Urban Design Knit into existing neighbourhoods and create a series of character areas that enhance Dublin
- Sustainability Fast-track to zero carbon and zero waste
- Deliverability & Creditability Create a deliverable and creditable framework.

6.5.3. The Chief Executive's Report to Elected Members on the public consultation was published on 1st December 2021. As per the SDCC CE Report, the Strategic Framework was noted at a meeting of South Dublin County Council on 9th May 2022 and will be put before the June meeting of Dublin City Council, also for noting. The Strategic Framework is to inform a statutory plan, which is likely to comprise a transboundary plan prepared jointly between SDCC and Dublin City Council.

6.6. Applicant's Statement of Consistency

6.6.1. The applicant has submitted a Statement of Consistency as per Section 8(1)(iv) of the Act of 2016. The Statement considers compliance with national and regional strategic planning policy and guidance documents and local policy documents. The following points of same are noted:

- The development will contribute to national planning policies to achieve more efficient use of underutilised sites within existing built up areas as it involves the

redevelopment of a brownfield site within a growing live/work district situated in close proximity to third level education, employment and public transport services.

- The development is consistent with Housing for All - A New Housing Plan for Ireland as it provides an appropriate quantum of residential accommodation on a zoned and serviced suburban site.
- The proposed BTR development is in accordance with the policy on BTR housing set out in the Department of Housing, Planning and Local Government Circular PL 8/2016 APH 2/2016.
- The applicant submits a rationale for the proposed building height with regard to the Development Management Principles and Criteria set out in the Building Height Guidelines.
- The development has been designed to be fully compliant with the standards set out in the Apartment Guidelines (2020), including provisions specifically relating to BTR developments. Detailed analysis of same is submitted.
- The applicant submits analysis of the development with regard to the 12 Criteria set out in the Urban Design Manual that accompanies the Sustainable Residential Development in Urban Areas Guidelines, supported by the Architectural Design Statement.
- The application includes a Statement of Consistency with DMURS.
- The application includes a Flood Risk Assessment such that the development is consistent with the Flood Risk Management Guidelines.
- The proposed childcare facility will accommodate c. 90-120 childcare places to meet the requirements of the Childcare Guidelines.
- The development is consistent with RPO 4.3 of the Eastern and Midland RSES.
- The applicant submits a detailed analysis of consistency with the policies and objectives of the South Dublin County Development Plan 2016-2022. In particular, it is submitted that the proposed residential and commercial uses are acceptable in principle under the REGEN zoning objective and related development plan policies.

- Section 8.0 of the Statement of Consistency deals with the Draft South Dublin County Development Plan 2022-2028.

6.7. Applicant's Material Contravention Statement

6.7.1. The applicant has submitted a Material Contravention Statement in relation to the matters of building height, density, housing mix, tenure mix, Apartment Guidelines, separation distance and car parking standards with regard to policies and objectives of the South Dublin County Development Plan 2016-2022. The points made in relation to each of these issues may be summarised separately as follows.

6.7.2. Building Height

- Development plan policy H9 Objective 4 limits buildings over five storeys in height to strategic and landmark locations in town centres, mixed use zones and SDZs and subject to an approved LAP or Planning Scheme.
- It is submitted that, while the development site is not within the above locations, the subject lands have the capacity to facilitate taller buildings due to the zoning objective for the site, site size and to proximity to public transport access.
- Development plan section 11.2.7 is noted. The development has heights of 5-12 no. storeys and the area where the site is located has a prevailing height of 1-3 no. storeys mainly comprised of industrial units with some housing. The proposed height therefore exceeds that of existing development in the area. However, as the site has the REGEN zoning objective, development can be of heights that exceed those prevailing and at densities of a larger scale than may be considered appropriate.
- The development plan states that proposals for buildings over five storeys will only be considered at areas of strategic planning importance such as key nodes, along with the main street network and along with principal open spaces in Town Centres, Regeneration zones and Strategic Development Zones, and subject to an approved Local Area Plan or Planning Scheme. The development is located within the remit of the City Edge project. As the site is well-connected and is situated in lands zoned for regeneration it is considered that the proposed heights which exceed those of the surrounding area are consistent with the development

plan and constitute a land-use that is more efficient providing for a higher level of amenity than what currently exists on site.

- The site is c. 430 m from the Walkinstown Roundabout where several Dublin Bus routes converge, providing high-quality public transport connectivity between the site, the city centre and areas to the north-east and south-west of the county, including routes nos. 9, 27, 56A and 77A. The site is also close to the Kylemore Luas stop. It is submitted that the provision of building heights higher than the prevailing area is appropriate due to the connectivity of the site and the REGEN zoning.
- Development plan section 11.3.2 'Residential Consolidation' states with regard to infill sites that a transition should be provided where the proposed height is greater than that of the surrounding area. The transition element of the development is appropriately scaled for the area as it progresses naturally from lower to taller buildings within the development site between existing buildings in the area and also allows for appropriate development of the adjacent sites.
- The site is c. 130m northwest of existing terraced and semi-detached housing. Due to this wide separation distance, it is submitted that the development is at an acceptable scale despite it being of a height greater than that of the receiving environment. The development plan states that the proximity of existing housing - new residential development that adjoins existing one and/or two-storey housing (backs or sides onto or faces) shall be no more than two storeys in height unless a separation distance of 35 m or greater is achieved.
- The applicant notes development plan policy H8 Objective 1, to ensure that the density of residential development makes efficient use of zoned lands and maximises the value of existing and planned infrastructure and services, including public transport, physical and social infrastructure, in accordance with the Sustainable Residential Development Guidelines.
- The development plan does not provide specific guidance on plot ratio and site coverage. It is submitted that the proposed plot ratio of 2.61 and size coverage of 52% are acceptable with regard to the size and location of the site.
- The application is accompanied by a Sunlight, Daylight and Shadow Assessment Report, which confirms that the development does not result in inappropriate

levels of amenity to residents of the proposed apartments or users of the proposed central courtyards or adjacent properties.

- It is submitted that the blanket height restrictions in the Development Plan are contrary to SPPR 1 of the Building Height Guidelines, which supports the incorporation of increased building height and density in locations with good public transport accessibility in development plans.
- The applicant submits a rationale in response to the criteria set out in SPPR 3 of the Building Height Guidelines.
- The South Dublin County Development Plan 2016-2022 was adopted before the publication of the NPF 2040, the Apartment Guidelines 2020 and the Building Height Guidelines 2018.

6.7.3. Density

- The development provides for a total of 633 no. apartments on a net site area of 2.79 ha, at a density of 226.9 units/ha on lands zoned REGEN. The development plan does not provide for densities higher than 50 units/ha nor does it set out a specific density policy for REGEN zoned lands.
- The proposed density could be considered to be a material contravention of this aspect of the Development Plan

6.7.4. Housing Mix

- The proposed housing mix includes 46.1% one bed units, which is higher than the 10% figure provided for in development plan section 11.3.1. This could be considered to be a material contravention of the development plan.
- The development plan and Interim South Dublin Housing Strategy 2016-2022 do not provide a breakdown requirement of housing types to be provided in residential developments. As per SPPR 1 of the Apartment Guidelines, the provision to specify a mix for apartments may be done under statutory development plans and then only further to an evidence-based Housing Need and Demand Assessment (HNDA).

- SPPR 7 of the Apartment Guidelines amends the housing mix required by SPPR 1 in the context of BTR developments and removes the limitation on one-bed units.
- The Statement submits a breakdown of changes in the population of the relevant Terenure-St. James Electoral Division for the period 2006-2016, in comparison with population change in the State and South Dublin County for the same period. There has been a relative population decline in the Electoral Division, despite a large population increase in South Dublin County. In addition, 2016 census data indicates that 79% of households living in the Electoral Division comprised one, two or three person households/families. This is 13.3% above the national figure, which is 65.7%. It is submitted that the proposed housing mix appropriately responds to the age demographic and household sizes in the Electoral Division of Terenure-St. James.

6.7.5. Tenure Mix

- The Interim South Dublin Housing Strategy details the need for a variety of housing tenures in the administrative area based on previous data and projected need. There are no specific requirements regarding housing tenure mix.
- The development comprises 10% Part V units and 90% BTR units, which differ from the projected housing requirements set out in the Interim Housing Strategy. The proposed tenure mix could be considered to be a material contravention of this aspect of the Development Plan.
- The Interim Housing Strategy notes the importance of the private rental sector. The demographic information indicates that 64.5% of households in the Terenure-St. James Electoral Division comprise one and two-person households. BTR developments are particularly suited to these types of households due to the level of on-site amenities offered, including a creche and children's play area. The proposed development offers younger people/small families in the area a suitable accommodation option during the transitional period between vacating their family home and purchasing their first home.

6.7.6. Apartment Guidelines

- The current development plan pre-dates the 2020 Apartment Guidelines. Development plan policy H14 Objective 1 refers to the 2015 Apartment Guidelines. The development has been designed in accordance with the 2020 Guidelines. Therefore, where the 2020 guidelines deviate from the 2015 guidelines, the development relies on the deviated standards, this could be seen to be a material contravention of the Development Plan. The following aspects of the development may be seen to be a material contravention.
- Floor areas set out in development plan Table 11.21 have been superseded by the 2020 Apartment Guidelines. The development meets the standards set out in the 2020 guidelines with nearly all of the 2015 standards also met. Noting the provision of 2 bed 3 persons apartments in the 2020 guidelines and the proposal for 25 no. units to provide same, it is considered that the proposed unit sizes could be considered to be a material contravention of this aspect of the Development Plan.
- Development plan section 11.3.1 (vi) states that dual aspect ratios in apartment schemes shall be in accordance with the 2015 Apartment Guidelines. The 2015 Guidelines note that the minimum number of dual aspect apartments that may be provided in any single apartment scheme shall be 50%. The proposed development provides for 47% dual aspect which falls slightly short of the 2015 guidelines. It is considered that the dual aspect ratio proposed could be considered to be a material contravention of this aspect of the Development Plan.
- Development plan section 11.3.1 (i) states that with the exception of student accommodation, proposals that include a high proportion of one-bedroom dwellings (more than 10%) shall be required to demonstrate a need for such accommodation, based on local demand and the demographic profile of the area. The proposed development provides for 292 no. one-bedroom units or 46%. It is considered that the unit mix proposed could be considered to be a material contravention of this aspect of the Development Plan.

6.7.7. Separation Distance

- Development plan section 11.3.1 (v) states that a separation distance of 22m should generally be provided between directly opposing above ground floor

windows. Development Plan policy H15 Objective 4 is to ensure that opposing balconies and windows at above ground floor level have an adequate separation distance, design or positioning to safeguard privacy without compromising internal residential amenity.

- The separation distances are less than 22m at several locations within the development, which could be considered to be a material contravention of this aspect of the Development Plan.
- The proposed design uses techniques such as offsetting windows and opaque glazing to ensure no overlooking or reduction in amenity. It is submitted that the shortfall is negligible and will not pose a threat to residential amenity.
- It is submitted that the reduced separation distances are justified in the context of the performance based approach of the 2020 Apartment Guideline, which state that general blanket restrictions on building height or building separation distance that may be specified in development plans should be replaced by performance criteria, appropriate to location.

6.7.8. Car Parking Standards

- The development would require a minimum of 575 no. car parking spaces to meet development plan car parking standards but provides 439 no. spaces, which does not meet this standard. This is considered appropriate given the site's proximity to public transport and amenities, however, it could be considered to be a material contravention of this aspect of the Development Plan.

6.7.9. Legislative Context

Section 37(2)(b)(i):

- It is submitted that section 37(2)(b) (i) applies as the proposed SHD is of strategic or national importance.

Section 37(2)(b)(ii):

- It is submitted that the Interim Housing Strategy of the development plan included housing need projections, however these are to be used as guidance to respond to the housing need of the area and to ensure development meets these requirements but are not outlined as a strict regulation.

- Development plan Policy 9 states a policy to support varied building heights across residential areas and mixed-use areas in South Dublin County. However, the height policy also restricts this varied height to buildings five storeys or less with Policy H9 objective 4 stating that tall buildings that exceed five storeys in height should be directed to strategic and landmark locations in Town Centres, Mixed Use Zones and Strategic Development Zones and subject to an approved LAP. There are additional development plan objectives that seek to increase densities and heights that also conflict with Housing Policy 9 including policy H8 Objective 1. In addition, development plan section 2.0 states that in a predominantly urban county such as South Dublin, new housing will be delivered in established areas through sustainable intensification, infill development and the re-use of brownfield lands while respecting the amenity value of existing public open spaces. The expansion will focus on the creation of sustainable new communities at locations that can be served by high-quality public transport. It is submitted that the development site meets these criteria.

Section 37(2)(b)(iii):

- The development is justified in the context of national planning policy as set out in the NPF including NPOs 3a, 3b, 13 and 35.
- It is submitted that restricting development building heights at such a location, well served by public transport, under certain development plan policies is a direct contravention of national policy which promotes increased densities at well served urban sites, and discourages universal height standards in certain urban areas, such as the subject site.
- The proposed housing mix is in accordance with the following statement in the NPF regarding changing family size:

Currently, 7 out of 10 households in the State consist of three people or less, with an average household size of 2.75 people. This is expected to decline to around 2.5 people per household by 2040. Household sizes in urban areas tend to be smaller than in the suburbs or rural parts of the country. In Dublin city, one, two and three-person households comprise 80 per cent of all households. Yet, the stock of housing in Ireland is largely comprised of detached and semi-detached houses with three to four bedrooms.

- Development plan height limitations contravene guidance in the 2018 Building Height Guidelines, which state that it is appropriate to support heights of at least six storeys at street level with scope for greater height subject to design parameters. The site is consistent with guidance provided in section 2.8 of the Guidelines providing examples of locations with potential for comprehensive development which could accommodate a cluster of tall buildings, including brownfield former industrial districts.
- It is submitted that the building heights/densities provided for in the development plan are considered to be a conservative and inefficient use of zoned land and are contrary to the objectives of the Building Height Guidelines.
- The site is considered to be a 'central and/or accessible location' as defined in the Apartment Guidelines with regard to the existing Dublin Bus routes serving the area, with capacity as detailed in the Traffic and Transport Assessment. The site is within walking distance of amenities and employment centres including Walkinstown Village, Greenhills Industrial Estate and Tallaght Town Centre. It is there suitable to accommodate higher density development.
- The development is consistent with SPPRs 1, 7 and 8 of the Apartment Guidelines, as well as other guidance in the Apartment Guidelines including floor areas and dual aspect units, which supersede the development plan.
- The development is consistent with other national and regional planning policies as set out in Housing for All (2021) and the EMRA RSES (2019).

Section 37(2)(b)(iii):

- ABP-309658-21, former CHM Premises, Dublin 12. SHD permission for 171 no. units, 1-8 storeys.
- ABP-3024686-19, Long Mile Road, Dublin 12. Permission granted for SHD 153 no. units,
- 3940/17, Carriglea Industrial Estate, Dublin 12. Permission granted by DCC for amendments to a previously permitted development of 306 no. units, 5-7 storeys including provision of additional floors and 12 no. additional units.

- ABP-304383-19, Former Concorde Industrial Estate, Dublin 12. SHD permission for BTR development including 492 no. residential units and commercial units, 4-8 storeys.
- Also refers to other permissions in the wider South County Dublin area.

6.7.10. Comments on the Current Draft South Dublin County Development Plan

- The applicant notes that the Draft South Dublin County Development Plan 2022-2028 is due to be adopted shortly. The Material Contravention Statement also refers to relevant policies of the draft development plan in relation to the above matters.

7.0 **Third Party Submissions**

7.1. The main points raised in each of the third party submissions may be summarised separately as follows.

7.2. **Joseph Brennan Bakeries**

7.2.1. The following points are noted:

- The Brennans Bakeries premises is adjacent to the development site. The development has the potential to seriously injure the continued operations of the observer's facility, which is a significant employer in the area.
- The proposed residential development in a primarily industrial area would be incongruous and out of keeping with its surroundings.
- Residents of the development may object to the established activities of the observer's business in the future, e.g. traffic movements and noise complaints. These concerns could lead to an enforcement action with adverse impacts on the observer's ability to trade.
- A report by Amplitude Acoustics, which details noise output associated with the existing bakery premises, is submitted in support of the observer's comment. It highlights that the bakery premises is currently designed to reduce noise impacts on Noise Sensitive Locations to the south with noisy activities including plant and equipment and the distribution yard all located on the northern side of the premises. However, these activities are closest to the proposed development

site. The construction of the development to the north of the bakery will devalue its existing noise mitigation strategy, with any complaints having the potential to lead to an enforcement notice and affecting its ability to trade.

- The measured noise levels and observations summarised in the EIAR noise assessment indicate that noise levels at the development site, largely associated with the observer's premises, significantly exceed the relevant night time noise limit.

7.3. John Conway and the Louth Environmental Group

7.3.1. The following points are noted:

- The Board cannot grant permission on the basis that it would be justified by reference to the section 28 Building Height Guidelines and the Apartment Guidelines. These guidelines and the specific planning policy requirements contained therein are *ultra vires* and not authorised by section 28(1C) of the Planning and Development Act 2000 (as amended). The section 28 guidelines are contrary to the SEA Directive, insofar as they purport to authorise contravention of the development plan, without an SEA being conducted, or screening for SEA being conducted, on the variations being brought about to the development plan/local area plan as a result of same.
- The development materially contravenes the development plan in relation to the matters of development plan density requirements / provisions; housing mix; public open space; building height and visual impact, car parking, childcare. This material contravention cannot be justified by reference to section 37(2)(c) or section 28 guidelines including SPPRs.
- The proposed development is not of strategic or national importance under section 37(2)(b). Purported reliance in the definition of 'strategic housing development' under the 2016 Act as a basis for asserting that the development is of strategic or national importance is erroneous.
- The application and application documentation do not comply with the Planning and Development Regulations 2001 (as amended) in terms of the particulars to be provided with the application including in relation to the plans and particular lodged. The application documentation does not comply with the requirements of

the 2916 Act and the associated Regulations in relation to the requirements for detailed plans and particulars.

- If the Board purports to justify the non-compliance with development plan objectives, this will amount to an unlawful breach of the requirements of the SEA Directive.
- Refers to EIA screening, which does not apply in this instance as an EIAR is submitted with the application.
- The information submitted by the applicant in respect of AA Screening is insufficient, contains lacunae and is not based on appropriate scientific expertise. As such the Board cannot comply with the requirements of the Habitats Directive and relevant provisions under national law under the Planning and Development Act 2000.
- The development does not comply with the requirements of Part XAB of the Planning and Development Act 2000 (as amended) and the Habitats Directive. Due to inadequacies and lacunae in the submitted AA Screening Report, the Board does not have sufficient and/or adequate information before it to carry out a complete AA screening in relation to the proposed development.
- The AA screening report does not provide sufficient reasons or findings as required under article 6(3) of the Habitats Directive and national law, to the requisite standard. The conclusions/ statements made therein do not identify any clear methodology and no analysis offered in respect of the screening conclusions on sites 'screened out'. There is an absence of reasoning provided by reference to scientific information.
- The AA screening report does not consider all aspects of the proposed development including relevant aspects arising during the construction phase such as construction compounds and haul roads.
- Insufficient surveys have been carried out to assess the potential impacts arising from bird collision / flight risks insofar as the proposed development may impact bird flight paths.

- The AA screening fails to identify and consider all potential impacts on protected bird species including by reference to potential collision flight risk during both the construction and operation phase of the proposed development.
- No regard and/or inadequate regard has been given to the cumulative effects of the development, in combination with other development in the vicinity, on protected sites.
- The AA screening report impermissibly has regard to 'mitigation measures' for the purposes of carrying out AA screening, contrary to the requirement of the Article 6(3) of the Habitats Directive.
- Insufficient site specific surveys were carried out for the purposes of AA screening, same is based on an absence of site specific scientific evidence.

8.0 Planning Authority Submission

8.1. South Dublin County Council has made a submission in accordance with the requirements of section 8(5)(a) of the Act of 2016. It summarises observer comments as per section 8(5)(a)(i) and the views of the relevant elected members of the Rathfarnham / Templeogue / Firhouse / Bohernabreena Area Committee meeting held on 10th May 2022. The planning and technical analysis in accordance with the requirements of section 8(5)(a)(ii) and 8(5)(b)(i) may be summarised as follows.

8.2. Issues Raised by Elected Members

8.2.1. The issues raised may be summarised as follows:

- ABP has not provided the third-party submissions in time to be reviewed by members, which is unacceptable (mentioned by several Elected Members).
- The development is premature and will impact the implementation of the City Edge. Development is considered to be piecemeal development.
- Impact on community infrastructure including schools.
- Development will be transient in nature.
- BTR tenure is unacceptable.

- Part V provision and unit mix.
- Development will have excessive density.
- The design is of a poor quality.
- The development of a very poor amenity.
- Concern in relation to the quality of the proposed residential units.
- Concerns in relation to the daylight and sunlight access for the open space areas and residential units.
- Concerns about the proposed building height, especially at Greenhills Road.
- Provision for children is not acceptable, especially the relationship with Greenhills Road.
- Play space provision is not adequate.
- Relationship with the adjoining industrial unit.
- Development would allow overlooking of adjoining properties.
- Who would be responsible for the creche and open space area?
- Inadequate bin storage provision.
- Concerns in relation to access to public open spaces as access to the Tymon Park limited.
- Adverse traffic impacts on the surrounding area.
- Lack of public transport access.
- Provision must be made for EV parking.
- Cycle provision is not acceptable.
- Green infrastructure.
- Concern in relation to the air quality, what would be done to ensure this would be acceptable.
- Concern in relation to the childcare facility.
- Relationship with Seveso Sites.

8.3. SDCC Planning and Technical Analysis

8.3.1. The planning and technical analysis includes the planning report dated 19th May 2022; Public Realm Planning Report by South Dublin Parks Department (undated); Water Services Planning Report dated 6th May 2022; Housing Department Memorandum dated 11th April 2022, which are all incorporated into the following summary.

8.3.2. SDCC Comment on the REGEN Zoning Objective and Residential Density

- The SDCC Delivery Team comment states in relation to the City Edge plan:

“... the Framework is a non-statutory document, the contents reflect the policies and objectives of the current Development Plan and the new Draft Development Plan 2022-2028, which will become operational later this year. The advice set out below is made in that context. The Framework will be followed by a statutory plan, which is likely to comprise a transboundary plan prepared jointly with Dublin City Council.

Further to the purpose of the Strategic Framework to inform a statutory plan at the next stage of the City Edge Project, it is advised that the non-statutory Strategic Framework does not comprise a framework for development consent and should not be treated as such. It is important, however, that development is not deemed to be premature pending the preparation and adoption of such a statutory plan particularly with reference to the objectives and provisions contained in the South Dublin County Council Development Plan that are relevant to the City Edge Project as well as relevant regional transport policy and projects.

Where appropriate, the Planning Delivery Team prepares reports for the Development Management Section to inform the assessment of planning applications within the boundary of the City Edge Project Area. The Delivery Team report has regard to the considerations and context set out above including the non-statutory nature of the Strategic Framework; the fact that it reflects Development Plan policies and objectives; and ensuring development is not premature pending the preparation of a statutory plan.”

- The City Edge project has no statutory status at present. SDCC considers that the development would not prejudice the delivery of the City Edge project in

principle and considers that the principle of development is in accordance with the current statutory policy context and the development of the subject site is not premature pending a statutory plan.

- The type of uses envisaged at the proposed commercial units are considered to be in keeping with the REGEN zoning objective and with development plan policies and objectives. However, the planning authority notes that the proposed quantum of commercial floorspace equates to 2% compared to 97% residential and considers that this is insufficient to facilitate enterprise and/or residential-led regeneration. In addition, the limited size, depth and floor to ceiling height of the units are not considered sufficient to cater for the suggested light industrial, storage, innovation and workshop uses and would not offer a range of units sufficient to cater for the variety of uses suggested.
- The planning authority recommends a condition requiring amendments including the amalgamation of two adjoining commercial units on the ground floor of Block A and two adjoining units on the ground floor of Block D, increased height for all commercial units by incorporating the space for the residential units immediately above and the units expanded to the rear by including part of the servicing yard.
- The principle of increased density at this location is considered acceptable and in accordance with development plan policy H8 Objective 2, given the location and proximate public transport routes and planned Bus Connects services.

8.3.3. SDCC Comment on Housing Mix and Tenure

- Notes that the proposed housing mix is in keeping with the Apartment Guidelines.
- SDCC is satisfied that the requirements of SPPR 7 of the Apartment Guidelines have been met.
- Recommends Part V condition.

8.3.4. SDCC Comment on Building Height

- Notes that the development exceeds the development plan prescribed building height as set out in Policy H9 Objective 4. The planning authority considers that the applicant has addressed issues raised in the ABP pre-application Opinion in

relation to building height through the reduction in height and the assessment in terms of the Building Height Guidelines.

- SDCC acknowledges that the development plan height restrictions run contrary to SPPR 1 of the Building Height Guidelines and notes that SPPR1 supports increased building height and density in locations with good public transport accessibility.
- SDCC notes the rationale submitted by the applicant in response to the criteria of SPPR 3 of the Building Height Guidelines and provides further commentary on same. Concludes that it has been demonstrated that the development is of a form that would comply with the requirements of SPPR 3.

8.3.5. SDCC Comment on Design and Layout

- Development makes a positive contribution to the streetscape overall.
- Considers that the development is not substantially monolithic but states concerns that the design response since the previous stage has not evolved sufficiently. Concerns regarding irregular building shapes and questions the necessity for this, a more regular building form would be welcome.
- Questions whether the 12 storey element is in the right location. Could be moved northwest to achieve better integration with Bus Connects and resultant changes at Greenhills Road. 12 storey element may cause undue overshadowing.
- Concerns that the development does not have a satisfactory interface with Greenhills Road. Considers that more innovative solutions should have been investigated at the location of the IW wayleave such as a lightweight public open space/communal area at first floor, subject to agreement with Irish Water. Recommends a condition in relation to same.
- Concerns regarding the access road from Greenhills Road. It is acknowledged that there is a change in levels and wayleave, however, the streetscape in this area could be improved. Particular concerns regarding Block C and the access ramp to the undercroft car park. A raised platform above the access to the undercroft, providing a public space should be provided.
- Notes that the existing northern site boundary, which incorporates a retaining wall and is currently overgrown and unkept, is to be retained and would be a highly

visible feature of the redeveloped site. It is considered vital that this element is incorporated into the landscaping scheme and a condition in relation to same should be imposed.

- Concerns regarding the interaction with Bus Connects at Greenhills Road, in particular the future widening of Greenhills Road in line with the Tallaght/ Clondalkin to City Centre CBC scheme. In addition, any associated retaining infrastructure required within the boundary as part of proposed the new priority junction off Greenhills Road does not appear to have been incorporated to reflect the future CBC Scheme. Clarification is requested regarding boundary treatments and the extent of proposed retaining structures. The potential impact of construction revised loading in conjunction with the Bus Connects proposals over the existing watermain at this location should also be considered. Related conditions are recommended including the omission of Block C by reason of prematurity.
- Notes that not all rooms meet required daylight/sunlight standards. No rationale has been provided for this or compensatory measures. The proposal is entirely new build and further design solutions should have been investigated. In the absence of sufficient justification and/or mitigation, in event of a grant of permission, a number of units require redesign/ amalgamation to increase the ADF and provide a minimum standard. Given the rate of compliance in the overall scheme, on balance, this is not considered to warrant a recommendation of refusal.
- Unclear which apartments are dual aspect and which are single. Concern that angled buildings may be used to ensure north facing single aspect apartments are located at an angle. Single aspect north facing apartments are proposed in Blocks A and C. It is not considered that these locations overlook substantial areas of amenity. SDCC considers that all single aspect north facing apartments should be redesigned/removed by condition.
- The proposed minor deviation in separation distances is considered acceptable.
- SDCC has no concerns regarding overbearing impacts.
- Concern that a proposed bin storage area at the Greenhills Road frontage will conflict with Bus Connects. A condition to amend this is recommended.

- SDCC Parks Department recommends conditions including further details of proposed landscaping and a microclimate assessment of courtyard spaces, also a detailed SuDS strategy.

8.3.6. SDCC Comment on Movement and Transport

- Note NTA comment on the proposed new access from Greenhills Road. SDCC is concerned that the access has not been adequately justified by the applicant. Recommends a condition seeking further assessment and scope to amend by compliance.
- Proposed new pedestrian connections to Greenhills Road should be integrated with the public open space at this location to create a clear route.
- SDCC states satisfaction with the proposed cycling and pedestrian permeability of the development.
- The TTA does not provide detailed analysis of Noyek's Roundabout as the generated flow from the development was less than 1%. SDCC Roads Department is concerned that this does not take into account that the Calmount Road link, once opened, will carry traffic towards this junction and remove the majority of traffic from this section of the Greenhills Road. Recommends that a revised TTA should be submitted to reflect this future traffic pattern.
- SDCC states satisfaction with proposed cycle parking subject to conditions
- SDCC Roads recommends conditions.

8.3.7. SDCC Comment on Visual Impacts

- Considers that the 12 storey element would provide a better wayfinding function if moved and steps integrated with the public space at this location. There is currently a service yard at ground level of the building, which detracts from its potential wayfinding ability.
- Questions the need for more irregular block forms.
- Would welcome more visual interest in views of the development from Greenhills Road. A larger, more significant public space should be provided on Greenhills Road. Potential for a lightweight deck over the IW wayleave. The form and function of the space should be clearer and it should better integrate with the Bus

Connects proposals including bus stops and appropriate land uses around the space. The stepped access into the site should have been co-located with this space to provide a legible and clear route from the Greenhills Road, Bus Connects and down into the site

- SDCC provides an assessment of the development with regard to the 12 criteria of the Urban Design Manual.

8.4. **SDCC Recommendation**

8.4.1. The CE Report concludes that the development is generally in accordance with the Core Strategy of the current development plan and that the development meets the criteria set out in SPPR 3 of the Building Height Guidelines. However, SDCC has concerns regarding the following issues:

- The interface with Bus connects and the Greenhills Road in terms of the public space, alignment of the buildings, and the tall building location and design.
- The overall design approach.
- The aspect of the units and daylight received in some instances.

Notwithstanding these concerns, on balance, the planning authority recommends permission subject to conditions including the following requirements:

- Amalgamation and expansion of two adjoining commercial units on the ground floor of Block D and two commercial units on the ground floor of Block A, with the amalgamated units to incorporate the apartment spaces above.
- Option A Interface with Greenhills Road (preferred) to omit Block C including its undercroft parking and basement parking and all ancillary elements including its entrance plaza and access ramp, etc. and the area/ footprint be subject to a future planning application.
- Option B Interface with Greenhills Road applicant to submit revised plans, etc, to indicate a public open/communal space to the front of Block C, at an elevated position above the access road to interface with Greenhills Road, with a revised approach to the building line, tall building, open space and connection down into the site, to be designed in consultation with Irish Water.

- Revised plans to indicate that the Bus Connects scheme at this location has been fully taken into consideration and that the areas required for widening shall not provide any form of development or landscaping, to be prepared in liaison with the NTA. The following elements should be considered to be temporary in nature until such agreement has been reached:
 - Vehicular and cycle entrance, ramp and bike path from Greenhills Road
 - Pedestrian entrances (X 4) along Greenhills Road
 - ESB Substation and switch room adjacent to Greenhills Road

Applicant to provide further details of treatment of Greenhills Road frontage including landscaping in liaison with the NTA. Applicant to lodge a cash deposit, bond or other security that is acceptable to the Planning Authority for a significant amount to be released following the completion of revised proposals that replace the temporary landscaping and access elements along the Greenhills Road as well as the provision of a pedestrian entrance plaza that seeks to tie in with Bus Connects.

- Revised TTA with analysis for the proposed priority junction off Greenhills Road and a revised design of the junction for the written agreement of the planning authority. This shall demonstrate that the proposed/amendment design caters for the proposed trip generation i.e., to demonstrate that the entrance does not require a signalised junction/ dedicated right-turn lane such that bus priority is not compromised. Also assessment detailing the routes of safe and convenient access to public transport stop, to support the location of an additional bus stop if required, to be agreed with the NTA prior to lodgement with the planning authority.
- No north facing single aspect apartments shall be provided, unless clearly justified in terms of paragraph 3.18 of the Apartment Guidelines. Should elevational changes be required as a result of this, then details of same, including separation distances of any new windows, shall be submitted to and agreed in writing by the planning authority.
- Revised floor layouts to be submitted to the planning authority for written agreement, including potential reduction in unit numbers to ensure that the

following apartments meet minimum daylight standards for Kitchen /Living/Dining areas, unless otherwise agreed in writing, specifically refers to 23 no. units in Blocks A, B, C and D.

- The remaining conditions imposed do not involve any other significant changes to the proposed development.

9.0 Prescribed Bodies

9.1. The subject application was referred to the following prescribed bodies, as advised in the section 6(7) pre-application Opinion and as required under section 8(1)(b) of the Act and article 285(5)(a) of the Regulations:

- National Transport Authority
- South Dublin County Childcare Committee
- Transport Infrastructure Ireland
- Dublin City Council
- Irish Water
- Department of Housing, Local Government and Heritage

The responses received from Irish Water, the NTA and TII may be summarised separately as follows, as well as the submission from Inland Fisheries Ireland.

9.2. Irish Water

- 9.2.1. Irish Water comments that new connections to the water supply and wastewater networks are feasible subject to upgrade works to increase the capacity of the IW network. The works are to be carried out at the expense of the applicant as IW currently does not have any plans to extend or commence upgrade works to its network in this area. IW confirms that it the applicant has engaged with it and is in the initial stages of entering into a Project Works Service Agreement (PWSA), to determine the upgrade works necessary to facilitate the proposed development.
- 9.2.2. The submission notes the presence of an IW asset at the development site, which will have to be diverted as part of the development. It will not be permitted to build over any Irish Water infrastructure. The layout of the development must ensure that

this pipe is protected, and adequate separation distances are provided between IW infrastructure and any structures on site. Alternatively, the applicant may enter into a diversion agreement with IW and divert the pipe to accommodate the development. It will be necessary to provide a wayleave over the pipe to the benefit of IW and ensure that it is accessible for maintenance.

9.3. National Transport Authority

9.3.1. The following points of the NTA submission are noted.

9.3.2. NTA Comment on the Greenhills to City Centre Core Bus Corridor

- The development is located on part of Corridor 9, Greenhills to City Centre, of the NTA's Core Bus Corridor (CBC) Project. A preferred route option for the corridor was published by the NTA and was the subject of public consultation on several occasions, the most recent of which was in November 2020. The proposed SHD should not compromise the Tallaght / Clondalkin to City Centre Bus Connects Scheme as detailed in the most recent 'Preferred Route' report.
- The proposed new access off Greenhills Road could result in significant traffic increase on the Greenhills Road which could negatively impact on cycle and bus operations along this proposed CBC. It is noted that a junction traffic analysis has not been provided within the applicants Transport Assessment for the proposed priority junction off Greenhills Road. Therefore, no evidence has been provided to demonstrate that the proposed design caters for the proposed trip generation i.e., to demonstrate that the entrance does not require a signalised junction / dedicated right-turn lane such that bus priority is not compromised.
- From a Bus Connects perspective, it would be preferable to provide vehicular access / egress to the development from the Greenhills Industrial Estate road. Consideration should be given to a cycling and pedestrian access only off Greenhills Road which may be more favourable in terms of providing safe access to the development for cyclists and pedestrians.
- The scale of the development may necessitate provision of a new bus stop. Further consideration of safe and convenient access to public transport stops should be demonstrated including providing for a bus stop.

9.3.3. NTA Comment on Road Widening and Associated Infrastructure

- The Tallaght / Clondalkin CBC Scheme requires widening of c. 95 m of Greenhills Road at this location including a retaining wall structure north and south of the Greenhills Road.
- It is not clear that sufficient consideration has been given to accommodate the future widening of Greenhills Road in line with the current proposals for the Tallaght / Clondalkin to City Centre CBC scheme. Similarly, any associated retaining infrastructure required within the boundary as part of proposed the new priority junction off Greenhills Road do not appear to have been incorporated to reflect the future CBC Scheme.
- Clarification is required regarding proposed boundary treatments and the extent of proposed retaining structures. The potential impact of construction revised loading in conjunction with the Bus Connects proposals over the existing 1200mm diameter watermain should also be considered.
- The development should not compromise the Tallaght / Clondalkin to City Centre Bus Connects Scheme shown for the Third Public Consultation from November 2020.

9.3.4. NTA Comment on Car Parking

- The NTA notes the proposed car parking provision for the residential units, which equates to a ratio of 0.66 per unit. While this quantum would fall within development plan standards for Zone 2, the NTA requests that ABP consider the appropriateness of the proposed car parking quantum in the context of section 4.21 of the Apartment Guidelines. Given the location close to a high frequency bus corridor in the region, a more restrictive provision could be applied. This would also reduce the negative impact of traffic generated by the development on the surrounding road network

9.4. **Transport Infrastructure Ireland**

9.4.1. TII has no observations to make.

9.5. **Inland Fisheries Ireland**

9.5.1. The following points of the IFI submission are noted:

- The development is within the River Camac catchment which is a recognised salmonid system, under significant ecological pressure predominately due to urbanisation. Although considerable sections of main channel are culverted, sections that remain on the surface invariably support self-sustaining populations of Brown trout (*Salmo trutta*). The river also supports populations of migratory Sea trout (*Salmo trutta*) in the lower reaches. Other species include the protected European eel, Freshwater Crayfish (*Austropotamobius pallipes*) and Lamprey (*Lampetra* sp.) species, listed under Annex II of the EU Habitats Directive.
- With regard to AA, IFI would view the Camac River and the South Dublin Bay SAC, North Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA and North Bull Island SPA as being inter dependent on one another to maintain a healthy and sustainable environment throughout. The concept or idea of the Camac River acting as a type of buffering mechanism, or part of any mitigation measures to protect the SAC or SPA would not be considered by IFI. There should be nothing other than clean water entering the surface water sewer system and any mitigation measures to protect the aquatic environment should be solely designed and implemented within the proposed development to ensure there is no negative impact within any of the receiving environments.
- If there is any potential for deleterious matter to enter the Camac or Poddle River systems during the construction phase through the surface water system or by any other means this should be acknowledged and mitigated against in a site-specific Construction Environmental Management Plan (CEMP).
- The CEMP should adopt all recommended measures contained within EIAR Chapter 17.0 along with those outlined within the CEMP. Further requirements for the CEMP are outlined.

10.0 Assessment

10.1. The following are the principal issues to be considered in this case:

- REGEN Zoning Objective and Edge City Project
- Residential Density
- Housing Mix, Tenure and Part V
- Design and Layout, Quality of Residential Development
- Visual Impacts
- Building Height
- Childcare Provision
- Movement and Transport
- Drainage, Flooding and Site Services
- Material Contravention

These issues may be considered separately as follows.

NOTE 1: The applicant has submitted a Material Contravention Statement in relation to the matters of building height, density, housing mix, tenure mix, apartment standards, separation distances between blocks and car parking standards. The relevant technical matters and related development plan policies and objectives are addressed in each section, with the details of Material Contravention dealt with separately below.

NOTE 2: I highlight to the Board that the draft South Dublin County Development Plan 2022-2028 was adopted by the Elected Members on the 22nd June 2022. The plan comes into effect 6 weeks from the date of adoption, on the 3rd August 2022. As required, I have assessed this proposal against the plan currently in place, namely the South Dublin County Development Plan 2016-2022, as have the planning authority, and the following assessment is based on the current development plan. I refer the Board to section 8.0 of the submitted Planning Statement of Consistency where the applicant has examined the proposal in the context of the draft plan.

10.2. REGEN Zoning Objective and City Edge Project

10.2.1. The site has the zoning objective REGEN 'To facilitate enterprise and/or residential-led regeneration' as per Map no. 5 of the South Dublin County Development Plan 2016-2022. The development plan states that this zoning has been introduced to support and facilitate the regeneration of underutilised industrial lands that are proximate to town centres and/or public transport nodes. REGEN zoned lands are to be developed to contribute to development plan housing targets, with increased capacity due to development of proposed high capacity public transport projects. The development plan identifies Greenhills as a consolidation area, along with other established areas located to the east of the M50 and south of the River Dodder, which have a range of urban services such as transport, retail, medical and community facilities but have ageing populations, which presents a serious risk for the viability of services and facilities into the future. It is a key element of the development plan Settlement Strategy to promote the consolidation and sustainable intensification of these areas, thereby maximising efficiencies from established physical and social infrastructure. Development plan objective CS1 Objective 2 applies:

To promote and support the regeneration of underutilised industrial areas in areas designated with Zoning Objective Regeneration 'REGEN' (to facilitate enterprise and/or residential led development).

Development plan section 1.8.0 (4) also states in relation to REGEN zoned lands:

Underutilised industrial lands that are close to town centres and transport nodes are designated with Zoning Objective Regeneration 'REGEN' (to facilitate enterprise and/or residential led regeneration). These lands are serviced and offer significant potential for more intensive employment and/or residential development and associated uses. The transition from underutilised industrial areas is likely to occur on an incremental basis and may need to be supported by an economic regeneration strategy. It is envisaged that not more than 50% of these areas will come forward for housing during the period 2016-2022.

10.2.2. The proposed residential, childcare and commercial land uses are permitted in principle under the REGEN zoning objective. However, the South Dublin County Council (SDCC) CE Report comments that the proposed quantum of commercial

floorspace equates to 2% compared to 97% residential floorspace and considers that this is insufficient to facilitate enterprise and/or residential led regeneration in accordance with the REGEN zoning objective. In addition, the planning authority considers that the limited size, depth and floor to ceiling height of the units are insufficient for the suggested light industrial, storage, innovation and workshop uses and would not offer a range of units sufficient to cater for the variety of uses suggested. The CE Report recommends a condition requiring amendments including the amalgamation of two adjoining commercial units on the ground floor of Block A and two adjoining units on the ground floor of Block D, increased height for all commercial units by incorporating the space for the residential units immediately above and the units expanded to the rear by including part of the servicing yard, in order to address these concerns. Given that the REGEN zoning objective and related development plan objectives do not quantify specific targets for land uses, I consider that these conditions are reasonable and could be implemented within the scope of the current proposals but would not prejudice national and regional planning objectives for higher density residential development. The proposed quantum of commercial floorspace is therefore considered acceptable, subject to the conditions recommended by SDCC, which may be imposed if the Board decides to grant permission.

10.2.3. Development plan objective CS6 SLO 1 (adopted Variation No. 3) is:

To initiate a plan led approach to the sustainable regeneration of the brownfield lands in the Naas Road / Ballymount REGEN zoned lands. The plan led approach will include the preparation of a masterplan in 2019 with a view to preparing a Local Area Plan or other appropriate mechanism for the Regeneration (REGEN) and Local Centre (LC) at Walkinstown zoned lands. The masterplan will provide a framework for the sequential and phased development of the lands, integrating sustainable transport, land use and blue and green infrastructure. The spatial planning of the area will be informed by the Naas Road Framework Plan (2010).

SDCC Elected Members state concerns that the development is premature pending the implementation of the City Edge Strategic Framework, which will cover 700 ha of lands in the Naas Road, Ballymount and Park West areas east of the M50 that straddle the border between South Dublin and Dublin City. The applicant submits that the development has been finalised on foot of consultations with the City Edge

team of South Dublin County Council / Dublin City Council in October and November 2021. I note that SC6 SLO1 (as varied), the development plan objective for the Naas Road / Ballymount REGEN zoned lands, does not preclude development at this location pending the preparation of a masterplan. The SDCC CE Report states that a Strategic Framework for the City Edge Project has been prepared following public consultation in September and October 2021, which will ultimately inform a statutory plan. The Emerging Preferred Scenario, presented as part of the public consultation exercise, comprises a mix of residential-led and employment development in a high density urban quarter. The CE Report, with input from the SDCC Delivery Team, comments that the proposed development should not be deemed premature pending the preparation and adoption of the City Edge statutory plan. SDCC considers that the development would not prejudice the delivery of the City Edge project in principle and considers that it is not premature pending a statutory plan.

10.2.4. Having regard to all of the above, I consider that the proposed residential and commercial development is acceptable in principle on these REGEN zoned lands, subject to the conditions recommended by SDCC, and that the development would not be premature pending the implementation of the City Edge project.

10.3. Residential Density

10.3.1. Development plan section 11.3.1 (ii) states in relation to residential density:

In general the number of dwellings to be provided on a site should be determined with reference to the Departmental Guidelines document Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities (2009). As a general principle and to promote sustainable forms of development, higher residential densities will be promoted within walking distance of town and district centres and high capacity public transport facilities. In accordance with Departmental Guidance, the residential density (net) of new development should generally be greater than 35 dwellings per hectare, save in exceptional circumstances. Local Area Plans, SDZ Planning Schemes and Framework Plans will set out density bands in growth areas.

Development plan policy H8 Residential Densities is to promote higher residential densities at appropriate locations and to ensure that the density of new residential development is appropriate to its location and surrounding context. Policy H8

Objective 1 is to ensure that the density of residential development makes efficient use of zoned lands and maximises the value of existing and planned infrastructure and services, including public transport, physical and social infrastructure, in accordance with the Sustainable Residential Development Guidelines. Policy H8 objective 2 is to consider higher residential densities at appropriate locations that are close to Town, District and Local Centres and high capacity public transport corridors in accordance with the Sustainable Residential Development Guidelines. Policy H8 Residential Densities Objective 4 provides further guidance in relation to REGEN zoned lands and states:

Policy H8 Objective 4: To support proposals for more intensive enterprise and/or residential led development within areas designated with Zoning Objective 'REGEN' (To facilitate enterprise and/or residential led regeneration), subject to appropriate design safeguards and based on traditional urban forms that adhere to urban design criteria.

10.3.2. I note from the CE Report that the SDCC Elected Members state concerns that the proposed residential density is excessive. The development has a stated residential density of 226.9 units/ha. The CE Report comments that the principle of increased density at this location is considered acceptable and in accordance with development plan policy H8 Objective 2, given the location and proximate existing public transport routes and planned Bus Connects services.

10.3.3. While I note that the NTA submission refers to the site as an 'intermediate urban location', I consider that it meets the criteria for a 'central and/or accessible urban location' as set out in section 2.4 of the Apartment Guidelines with regard to the following:

- The site is within an employment area adjacent to several Industrial Estates and is close to the major employment centre of Tallaght.
- Greenhills Road is served by the 27 and 77A bus routes, with stops adjacent to the site. Route 27 has six buses an hour during the AM peak period and Route 77A has two buses an hour during the AM peak, connecting the site with the city centre and western suburbs including Jobstown, Tallaght and City West. In addition, the no. 9 bus route at the adjacent Walkinstown Roundabout has a frequency of six buses per hour during the AM peak. The site is therefore served

by 14 buses per hour during the AM peak. The submitted TTA indicates that there is sufficient capacity in the network. The site adjoins a proposed Bus Connects Core Bus Corridor, which will provide shorter journey times on bus services. The site is c. 1.9 km / 20 minutes walk from the Kylemore Luas stop. The application includes a Mobility Management Plan.

The Apartment Guidelines state that such locations are generally suitable for small to large scale higher density development with no maximum density set. I consider that the delivery of residential development on this prime, underutilised, serviced site, in a compact form with higher density, would be consistent with the policies and intended outcomes of current Government policy, specifically the NPF, the RSES, the Sustainable Residential Development Guidelines and the Apartment Guidelines, which all look to secure more compact and sustainable urban development in the Dublin Metropolitan Area. In particular, the development will support several key objectives of the NPF, including NPO 2a which states that a target of half (50%) of future population and employment growth will be focused in the existing five cities and their suburbs; NPOs 3a and 3b which aim to deliver at least 40% of all new homes nationally within the build-up of existing settlements and to deliver at least 50% of all new homes in the five main cities within their existing built-up footprints; NPO 13 which stipulates that 'in urban areas, planning and related standards, including in particular building height and car parking will be based on performance criteria that seek to achieve well-designed high-quality outcomes in order to achieve targeted growth'; NPO 32 which sets a target of 550,000 no. additional homes to 2040; NPO 33 which prioritises the provision of residential development at appropriate scales within sustainable locations and NPO 35 which notes the aim to increase residential density in settlements through a range of measures including (amongst others) in-fill development schemes and increased building heights. I also consider that the development will support RSES Regional Policy Objectives RPO 3.2 to promote compact urban growth with a target of at least 50% of all new homes to be built within or contiguous to the existing built up area of Dublin City and suburbs, RPO 5.4 that future development of strategic residential development areas within the Dublin Metropolitan area shall provide for higher densities and qualitative standards and RPO 5.5 that future residential development within the Dublin Metropolitan Area shall follow a clear sequential approach, with a primary focus on

the consolidation of Dublin and suburbs, and the development of Key Metropolitan Towns.

10.3.4. Having regard to all of the above, I therefore consider that the proposed residential density of 226.9 units/ha is acceptable in principle at this location, subject to design and amenity standards, which are discussed in detail in other sections of this report. The applicant's Material Contravention Statement addresses the matter of residential density in the context of the overall quantum of residential development and building height issues, although the applicant does not state that the proposal represents a material contravention with regard to residential density. Having regard to the detailed wording of development plan Policy H8 Objective 4, which I consider gives some scope for flexibility, I do not consider that the development represents a material contravention in relation to density. I also note that the CE Report does not state that the proposed residential density would materially contravene the development plan. However, if the Board do consider this to be a material contravention, they may wish to invoke section 37(2)(b) of the of the Planning and Development Act 2000, as discussed below in relation to Material Contravention.

10.4. **Housing Mix, Tenure and Part V**

10.4.1. Housing Mix

Development plan policy H10 Mix of Dwelling Types is to ensure that a wide variety of adaptable housing types, sizes and tenures are provided in the County in accordance with the provisions of the Interim South Dublin County Council Housing Strategy 2016-2022. Development plan section 11.3.1(i) states in relation to housing mix:

(i) Mix of Dwelling Types The overall dwelling mix in residential schemes should provide for a balanced range of dwelling types and sizes to support a variety of household types. On smaller infill sites, the mix of dwellings should contribute to the overall dwelling mix in the locality. With the exception of student accommodation, proposals that include a high proportion of one bedroom dwellings (more than 10%) shall be required to demonstrate a need for such accommodation, based on local demand and the demographic profile of the area. Design Statements for residential or mixed use development proposals with a residential element (see Section 11.2.2 Design Statements) will be required to address the mix of dwelling types.

The proposed development comprises 46% one bed units; 44% two bed units and 10% three bed units. Given that the above policy does not expressly preclude developments with a proportion of one bed units > 10%, I do not consider that the development materially contravenes the development plan in relation to housing mix, given that the applicant has provided a rationale for the proposed unit types with regard to the changing demographic profile of the area. I also note in this regard that the South Dublin County Council Interim Housing Strategy 2016, which forms Schedule 3 of the County Development Plan, does not include any specific requirements regarding the proportion of apartment types. However, the matter of housing mix is addressed in the applicant's Material Contravention Statement and it is therefore open to the Board to invoke section 37(2)(b) of the Planning and Development Act 2000 in relation to the matter if they wish. SPPR 8 of the Apartment Guidelines provides that there shall be no restrictions on dwelling mix for BTR developments. The proposed mix of apartment types is considered acceptable on this basis.

10.4.2. Tenure and Part V

The comments of SDCC Elected Members state concerns about the proposed Build to Rent (BTR) model, including that it will lead to a transient population at the development. The CE Report does not state any objection in principle to BTR development at this location.

Development plan Policy H1 Objective 4 is to promote social integration and facilitate a diverse range of dwelling tenures within housing developments, including social housing, in a balanced way in all Local Electoral Areas of the County. Section 5 of the Apartment Guidelines provides guidance on the BTR and Shared Accommodation sectors. BTR is defined as:

Purpose-built residential accommodation and associated amenities built specifically for long-term rental that is managed and serviced in an institutional manner by an institutional landlord.

I am satisfied that the development meets the requirements of SPPR 7 of the Apartment Guidelines with regard to BTR development. The application is advertised and adequately described in the documentation on file as a BTR development. The application includes a draft section 47 agreement between the developer and the

planning authority, which specifies that the development shall remain owned and operated by a single entity for a period of 15 years from the date of permission and that no individual residential units shall be let or sold separately during this period. The application also provides proposals for resident support facilities and resident services and amenities.

The applicant has set out a detailed rationale for the proposed BTR development at this location in the form of a BTR Market Justification Report, which seeks to justify the development at the subject site. The report notes the accessible location of the site and comments that additional accommodation is needed in the area to meet the demand from young adults within the established Walkinstown residential community and the extensive workforce connected to the local area. It notes the site's proximity and accessibility to Crumlin Hospital, the Tallaght university campus and other employment locations. The report considers available socio-economic data and the demographics of the area. It notes the projected population growth for South Dublin, as detailed in the draft South Dublin County Development Plan 2022-2028, as well as the projected decline in household size, which will combine to increase demand for housing in the county. The report also sets out the context of current housing supply issues in Dublin, in particular under supply in the rental market. I consider that there is ample justification for BTR development at the subject site, having regard to the location of the site close to employment centres and beside high quality public transport facilities. The proposed residential type and tenure will provide a viable housing solution to households where home-ownership may not be a priority and will provide a greater choice for people in the rental sector, one of the pillars of Rebuilding Ireland.

With regard to Part V, the applicant proposes to provide 64 no. units comprising 33 no. one bed units, 23 no. two bed units and eight no. three bed units. A site layout plan indicating the units to be leased is submitted, along with costings. The proposed Part V units are all located in Block D. The correspondence on file from SDCC Housing Department, dated 6th March 2022, states that the preferred option of the Housing Department is to acquire units on site and states no objection in principle to the applicant's Part V proposals. I note the recent Housing for All Plan and the associated Affordable Housing Act 2021, which requires a contribution of 20% of land that is subject to planning permission, to the planning authority for the provision

of affordable housing. There are various parameters within which this requirement operates, including dispensations depending upon when the land was purchased by the developer. In the event that the Board elects to grant planning consent, a condition can be included with respect to Part V units and will ensure that the most up to date legislative requirements will be fulfilled by the development.

Having regard to the above, I note that the proposed Part V provision differs from the projected housing requirements set out in the Interim South Dublin County Council Housing Strategy 2016-2022 and the development may therefore be considered to materially contravene the development plan in relation to this matter. However, the applicant's Material Contravention Statement addresses the matter of tenure mix and it is therefore open to the Board to invoke section 37(2)(b) of the of the Planning and Development Act 2000 in relation to the matter if they wish.

10.5. Design and Layout, Quality of Residential Development

10.5.1. Proposed Design and Layout

The development has been devised to accommodate several constraints present at the site and immediately adjacent. The topography of the area is such that the site has a lower ground level than Greenhills Road, ranging between 3.7m lower at the eastern end of the site and 6.7m lower at the western end, probably due to its historic use as a gravel pit. In addition, the ground level of the site is c. 7.7m lower than that of the waste management facility to the immediate west. The difference in site levels is currently addressed by the presence of a retaining wall along the Greenhills Road site frontage. In addition to the issue of topography, there is an existing IW wayleave 7.5m either side of a 1.5m watermain (16.2m in total) that traverses the north eastern part of the site, close to the frontage to Greenhills Road.

This stretch of Greenhills Road is on the route of several proposed Bus Connects spine routes and is part of the Tallaght / Clondalkin to City Core Bus Corridor (CBC) 9 Scheme. The submitted architectural models, the Architectural Design Statement and the Mobility Management Plan provide details of the proposed Bus Connects works. These involve the realignment of Greenhills Road with a new road link between Greenhills Road and Calmount Road to the northwest, via an existing road reservation area, which will provide a bus route, vehicular route and pedestrian / cycle facilities. The Calmount Road extension will meet Greenhills Road at a

signalised junction opposite the site frontage, close to the location of the proposed vehicular access to the development, with the bus lane, vehicular, pedestrian and cycle Bus Connects infrastructure continuing along Greenhills Road towards Walkinstown. The stretch of Greenhills Road at the western end of the site frontage, beyond the new link to Calmount Road, is to be closed to vehicular traffic with pedestrian and cycle access only and the remainder of Greenhills Road to the west terminating at a cul-de-sac. The full details of the Bus Connects CBC at this location have not been finalised and the NTA has not yet lodged an application to ABP in respect of same.

The primary access to the development is from Greenhills Road, with a public open space at the northeastern corner of the site. The open space slopes downwards to negotiate the change in levels between Greenhills Road and the ground floor level of Block A and is generally located over the IW wayleave. The vehicular access route bisects the public open space and leads to a ramp to the basement car park. There are two no. secondary maintenance / emergency accesses from the road to the south of the site within Greenhills Industrial Estate. There is pedestrian/cycle permeability to both sides of the site to Greenhills Road to the north and Greenhills Industrial Estate to the south. The internal layout is generally considered to be in accordance with the principles of DMURS and I note the submitted DMURS Compliance Statement in this regard. However, the NTA states concerns in relation to the access from Greenhills Road in the context of the Bus Connects proposals, and there is a potential traffic hazard associated with the interaction of the creche access at the southern site boundary with the adjoining road within Greenhills Industrial Estate, these matters are considered further below in the context of Movement and Transport issues.

The residential and commercial development is laid out in four blocks as follows:

- Block A, a U shaped block located at the eastern end of the development, adjacent to the main access. 209 no. apartments, 5 - 10 storeys. Childcare facility, co-working space and communal meeting room / workspace and three no. commercial units all at ground floor level. There is a communal open space at the centre of the block, also an enclosed space to serve the creche at the southern end of the block. The frontage of Block A is set back from Greenhills

Road to accommodate the IW wayleave, vehicular access and public open space at this location.

- Block B, an L shaped block located at the centre of the development, on the southern side of the site with frontage to the Greenhills Industrial Estate to the south and overlooking a large central public open space to the north. 121 no. apartments, 8 - 10 storeys. Multi-function space with kitchen, gym, resident's lounge, communal meeting room / workspace and one no. commercial unit all at ground floor level.
- Block C located at the centre of the development with a frontage to Greenhills Road to the north and overlooking the central public open space to the south. 130 no. apartments, 8 - 12 storeys. Games room with kitchenette, media room, co-working space, resident's lounge, communal meeting room/ workspace, reception area and management office at ground floor level. Two no. commercial units at second floor level, which will be accessed directly from Greenhills Road. Communal amenity roof garden.
- Block D located at the western end of the development and facing Greenhills Industrial Estate to the south with a communal open space to the north. 173 no. apartments, 6 - 10 storeys. Four no. commercial units at ground floor level.

The main public open space is at the centre of the site, overlooked by Blocks A, B and C. The area incorporates a water feature, play area, active and passive spaces. There are smaller communal open spaces between the blocks. The open spaces at the western end of the site are at podium level, reflecting the change in site levels at this location, with parking areas underneath. The connections between the spaces are ramped to negotiate the change in levels. The open spaces incorporate lawns, seating areas, play areas and a variety of active and passive uses. The landscaped courtyard within Block A is south facing and provides a play area, dining / yoga space and hard and soft landscaping. There is also a communal roof garden at Block C, with seating and dining areas.

10.5.2. Interface with Greenhills Road and Greenhills Industrial Estate

The interface with Greenhills Road is, as discussed above, constrained by a significant difference in ground levels, the presence of a IW wayleave at the eastern end of the frontage and the presence of a high retaining wall at the western end of

the frontage, as well as the proposed changes to the road layout associated with the future Bus Connects CBC layout, which is not yet finalised. These constraints have resulted in the northern frontages of Blocks A and C being set back c. 30m from Greenhills Road. While there is some public open space in the intervening area, this is bisected by the vehicular route to the car park and is therefore dominated by hard surfaces, including car parking areas, as well as being steeply sloping and compromised by the change in ground levels. The ground floors of Blocks A and C facing the open space are primarily occupied by communal facilities for residents of the development, however, due to the intervening open space, the ground floors will not be directly visible and accessible from the public realm at Greenhills Road. I accept that two of the commercial units at the western end of the development will be directly accessible from Greenhills Road with an associated small public plaza, however this is a very limited extent of the overall site frontage to Greenhills Road. The remaining proposed commercial units in the development are instead located facing the central public open space and at the southern end of the site and, while they would be visible and accessible from the public realm, they will not achieve the same levels of footfall as they would if they were located on the pedestrian / cycle route to be provided on Greenhills Road as part of the Bus Connects works. At the centre of the site frontage, the retention of the retaining wall at the northern site boundary and the change in levels will form a barrier to any interaction between the pedestrian / cycle route on Greenhills Road and the development. I therefore consider that the development provides a poor contribution to the public realm overall, notwithstanding the provision of a public open space at the centre of the site and the commercial frontages and associated plaza at the western end of the development. While I accept that the layout of the northeastern part of the site is constrained by the IW wayleave, there is no evidence that this could not be re-routed elsewhere to provide an opportunity for a stronger edge to Greenhills Road, noting the submission of Irish Water, or that another solution, such as a lightweight deck over the wayleave, could be achieved, to create a stronger and more active frontage at this location, as suggested in the CE Report.

In addition, I note the submission of the NTA, which comments that the Tallaght / Clondalkin CBC Scheme requires the widening of Greenhills Road at this location including a retaining wall structure north and south of the road. This does not appear

to have been resolved in the proposed design and layout and the NTA recommends further liaison on road layouts, boundary treatments and associated infrastructure, in order to support the implementation of the CBC. The NTA also raises concerns regarding the interaction of the proposed vehicular access with the new Calmount Road junction, which are discussed further below in the context of transport and movement issues.

Having regard to all of the above, the SDCC CE Report recommends conditions requiring substantial amendments to the development to address the above issues regarding the interface with Greenhills Road. The recommended conditions comprise:

- Option A (preferred) Block C, including its undercroft parking and basement parking and all ancillary elements including its entrance plaza and access ramp, etc. shall be omitted from the proposed development and the area / footprint be subject to a future planning application. Related omission of a bin store at the northern site boundary.
- Option B Public open / communal space to the front of Block C, at an elevated position above the access road to interface with Greenhills Road, with a revised approach to the building line, tall building, open space and connection down into the site. The applicant is requested to liaise with Irish Water and secure agreement regarding same.

I consider that there are several possibilities by which the frontage to Greenhills Road could be improved to provide a satisfactory interaction with the new Bus Connects CBC link to Calmount Road and an active, attractive façade and public realm at Greenhills Road along the site frontage, notwithstanding the change in levels and the presence of the IW wayleave (or even the potential re-routing of same). I do not consider that the development, as currently presented, achieves a satisfactory resolution of any of these issues and the resulting layout will provide a car dominated area facing Greenhills Road, which will not draw people into the central open space or commercial units and will not enhance the public realm. While I note the conditions recommended / suggested by the planning authority, which significantly amend the development by omitting the 12 storey Block C (the highest block containing 130 no. apartments), I do not consider that the imposition of same

would result in a satisfactory development given the uncertain nature of the outcome of any future liaison between the developer with the NTA and IW.

I consider that the proposed frontage to the south of the site, facing Greenhills Industrial Estate, is generally satisfactory, and that the commercial units at this location will provide a desirable new interface with the industrial estate, which could be occupied by local small businesses. The proposed landscaping and public realm improvements along the southern site boundary with footpaths, street trees and public seating, as well as the new pedestrian / cycle connections, are also noted in this respect. However, I also note that the development does not appear to include any upgrade works to the adjoining road within the Greenhills Industrial Estate and that there is a potential traffic hazard associated with the access to the creche on the ground floor of Block A and a potential conflict between HGV movements and commercial traffic and pedestrian / cycle / vehicular movements associated with the creche. This issue is considered below in the context of Movement and Transport.

10.5.3. Open Space Provision and Communal Amenities

Development plan section 11.3.1 (iii) states a requirement for a minimum of 10% of the total site area to be provided as public open space. Section 11.3.2 (i) states in relation to infill sites:

Subject to appropriate safeguards to protect residential amenity, reduced open space and car parking standards may be considered for infill development, dwelling sub-division, or where the development is intended for a specific group such as older people or students. Public open space provision will be examined in the context of the quality and quantum of private open space and the proximity of a public park. Courtyard type development for independent living in relation to housing for older people is promoted at appropriate locations. Car parking will be examined in the context of public transport provision and the proximity of services and facilities, such as shops.

The development provides the following public and communal open spaces:

- C. 3,380 sq.m. of public open space in a large area at the centre of the site (12% of the total site area)

- C. 5,020 sq.m. of communal open space comprising the Block A courtyard, podium spaces at the western end of the site, as well as the roof garden at Block C (176 sq.m.) (19% of the total site area)

The proposed open space meets the quantitative requirements of the development plan. It also exceeds the quantitative requirements for one, two and three bed apartments set out in Appendix 1 of the Apartment Guidelines, notwithstanding that SPPR 8 (ii) of the Guidelines allows for flexibility in relation to the provision of communal amenity space as set out in Appendix I, on the basis of the provision of alternative compensatory support facilities and amenities. I consider that the spaces provided will have a satisfactory level of amenity with regard to the landscaping scheme, and will provide a variety of circulatory spaces, active and passive uses. I also note from the Daylight and Sunlight Assessment Report that all the proposed external amenity spaces achieve the BRE.209 criterion of achieving at least two hours potential sunlight on March 21st to the majority of its area. In addition, I note the microclimate assessment provided in EIAR Chapter 10, which concludes that the development is not expected to result in elevated wind speeds at street level and that there will be only a minor increase in wind speed at the roof garden on Block C, with no significant microclimate impacts anticipated.

The development also provides internal communal amenities including co-working spaces, flexible working spaces, meeting rooms, multi-functional space with kitchen facilities, games facilities, laundry facilities, reception / concierge, residents' lounges and cinema room/gaming facilities, with a total stated area of 1,293 sq.m. The proposed internal amenities are distributed throughout the blocks and will be accessible to all residents of the development. The submitted BTR Residential Operational Management Plan, Building Lifecycle Report and Landscape Management and Maintenance Plan provide details of the ongoing management and maintenance of the external open spaces and internal communal areas.

I note that section 5.11 of the Apartment Guidelines provides that the nature and extent of the residents' services and amenities serving BTR developments may be agreed by the developer and the planning authority having regard to the scale, intended location and market for the development. The proposed public and communal open space provision and internal communal amenities are considered satisfactory on this basis.

Having regard to the Architectural Design Statement, to the landscaping proposals, to the Daylight and Sunlight Assessment Report and to the Microclimate Assessment in EIAR Chapter 10, I consider that the internal and external communal spaces within the development have a high standard of design and layout and will adequately serve as amenities for residents of the development. The proposed quantitative and qualitative provision of residents' services and amenities is therefore satisfactory and I consider that the development complies with SPPR 7 (b) of the Apartment Guidelines, which requires applications for BTR development to include residents support facilities and resident services and amenities.

10.5.4. Quality of Residential Accommodation

The apartments are designed to comply with the standards set out in the Apartment Guidelines, having regard to the relaxations provided for BTR developments as per SPPR 8 of same. The Housing Quality Assessment (HQA) indicates apartment floor areas that meet the requirements of SPPR 3, noting that SPPR 8 (iv) provides that the requirement that the majority of all apartments in a scheme exceed the minimum floor area standards by a minimum of 10% shall not apply to BTR schemes. The HQA also demonstrates that the apartments comply with the minimum aggregate floor areas for living/kitchen/dining (LKD) rooms, storage space requirements and private open space, noting also that SPPR 8 (ii) provides that flexibility shall apply in relation to the provision of a proportion of the storage and private amenity space associated with individual units as set out in Appendix 1 of the Guidelines. I note the provision of SPPR 8 (v) that the requirement for a maximum of 12 apartments per floor per core shall not apply to BTR schemes. The development achieves the floor to ceiling heights specified in SPPR 5.

The development provides a stated total of 47% dual aspect units, which exceeds the requirement of SPPR 4 for 33% dual aspect units at central and accessible urban locations. I am satisfied that the units in question are true dual aspect, rather than achieving this status by way of 'pop out' elements or balcony insets. Section 12.8 of the Architectural Design Statement provides details of the dual aspect provision such that there are some north facing single aspect units in Blocks A and C, however these are overlooking open space or public areas, and angled such that they are facing northeast or northwest. The CE Report considers that the units at the northern

site frontage do not overlook substantial areas of amenity, as per section 3.18 of the Apartment Guidelines:

Where single aspect apartments are provided, the number of south facing units should be maximised, with west or east facing single aspect units also being acceptable. Living spaces in apartments should provide for direct sunlight for some part of the day. North facing single aspect apartments may be considered, where overlooking a significant amenity such as a public park, garden or formal space, or a water body or some other amenity feature. Particular care is needed where windows are located on lower floors that may be overshadowed by adjoining buildings.

The CE Report therefore recommends the omission of all single aspect north facing units by condition. I accept that the units do not overlook a substantial public amenity in accordance with this definition given that the public open spaces in question are marginal at the Greenhills Road site frontage, as discussed above. However, I note that the facades are angled to face northwest or northeast. In addition, the Daylight and Sunlight Assessment Report indicates that the units in question in Blocks A and C generally achieve satisfactory daylight standards with regard to BRE guidance, as assessed below. The proposed single aspect north facing units are considered acceptable on this basis and I also consider that the proposed overall provision of dual aspect units is satisfactory, notwithstanding planning authority concerns in relation to this issue.

The applicant's Material Contravention Statement addresses the issue of apartment design standards, noting that the development plan refers to the 2015 Apartment Guidelines. The development may therefore be considered to materially contravene the development plan in this respect, however, as the matter is addressed in the Material Contravention Statement, it is open to the Board to invoke section 37(2)(b) of the of the Planning and Development Act 2000 in relation to the matter if they wish.

The Material Contravention Statement also addresses the matter of separation distances between blocks. As noted in the CE Report, the proposed layout generally achieves satisfactory separation distances between blocks, meeting or exceeding the 22 m requirement specified in development plan section 11.3.1 (v), which states:

A separation distance of 22 metres should generally be provided between directly opposing above ground floor windows to maintain privacy. Reduced distances will be considered in respect of higher density schemes or compact infill sites where innovative design solutions are used to maintain a high standard of privacy.

There is a distance of c. 17m between the facades of Blocks C and D, however the facing windows in the northern elevation of Block D light internal circulation spaces or secondary windows to habitable rooms and have opaque glazing, thereby obviating overlooking. The separation distances between blocks are therefore acceptable overall. Given that the development plan section 11.3.1 (v) gives some scope for flexibility in relation to the 22m standard, subject to innovative design solutions, I do not consider that the development materially contravenes the development plan in relation to this matter, however, given that it is addressed in the Material Contravention Statement, it is open to the Board to invoke section 37(2)(b) of the of the Planning and Development Act 2000 in relation to separation distances if they wish.

10.5.5. Daylight Standards Within Apartments

Section 3.2 of the Urban Development and Building Height Guidelines (2018) states that the form, massing, and height of proposed development should be carefully modulated so as to maximise access to natural daylight, ventilation and views and minimise overshadowing and loss of light. The Guidelines state that appropriate and reasonable regard should be taken of quantitative performance approaches to daylight provision outlined in guides like the BRE 'Site Layout Planning for Daylight and Sunlight' (2nd edition) or BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'. Where a proposal may not be able to fully meet all the requirements of the daylight provisions above, this must be clearly identified and a rationale for any alternative, compensatory design solutions must be set out, in respect of which the planning authority or ABP should apply their discretion, having regard to local factors including specific site constraints and the balancing of that assessment against the desirability of achieving wider planning objectives. Such objectives might include securing comprehensive urban regeneration and / or an effective urban design and streetscape solution. The Sustainable Urban Housing Design Standards for New Apartments Guidelines, 2020 also state that planning authorities should have regard to these BRE or BS standards.

The applicant's Daylight and Sunlight Assessment Report is based on recommendations outlined in the BRE 'Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice guide' (BRE Guide) which is also referred to as BRE 209 and the "BS 8206-2:2008: Lighting for Buildings - Part 2: Code of Practice for Daylighting". I have considered the report submitted by the applicant and have had regard to the above guidance documents. I note and acknowledge the publication of the updated British Standard (BS EN 17037:2018 'Daylight in Buildings), which replaced the 2008 BS in May 2019 (in the UK) but also note that this updated guidance does not have a material bearing on the outcome of the assessment and that the relevant guidance documents remain those referred to in the Urban Development and Building Heights Guidelines. It should also be noted at the outset that the standards described in the BRE guidelines are discretionary and not mandatory policy / criteria. The BRE guidelines also state in paragraph 1.6 that:

Although it gives numerical guidelines, these should be interpreted flexibly since natural lighting is only one of many factors in site layout design.

The BRE note that other factors that influence layout include considerations of privacy, security, access, enclosure, microclimate etc. in Section 5 of the standards. In addition, industry professionals would need to consider various factors in determining an acceptable layout, including orientation, efficient use of land and arrangement of open space, and these factors will vary from urban locations to more suburban ones.

Section 6.3 of the Daylight and Sunlight Assessment Report considers daylight to the proposed apartments in terms of Average Daylight Factor (ADF). In general, ADF is the ratio of the light level inside a structure to the light level outside of structure expressed as a percentage. The BRE 2009 guidance, with reference to BS8206 – Part 2, sets out minimum ADF values that should be achieved, these are 2% for kitchens, 1.5% for living rooms and 1% for bedrooms. Section 2.1.14 of the BRE Guidance notes that non-daylight internal kitchens should be avoided wherever possible, especially if the kitchen is used as a dining area too. If the layout means that a small internal galley-type kitchen is inevitable, it should be directly linked to a well daylit living room. This guidance does not give any advice on the targets to be achieved within a combined kitchen / living / dining layout. It does, however, state that where a room serves a dual purpose the higher ADF value should be applied.

All of the proposed apartments include a combined living / kitchen / dining room (LKD).

The Daylight and Sunlight Assessment Report provides ADF analysis for all apartments within the development. It provides analysis of compliance with the 2% ADF target, as well as which LKDs have ADF > 1.5%. I am satisfied that the applicant's Daylight and Sunlight Assessment is based on a robust methodology, as set out in section 5 of same, and I see no reason to question its conclusions. The results presented may be summarised as follows:

Block	LKD > 2% ADF	Bedroom > 1% ADF	Total Rooms Compliant	LKD > 1.5%
Block A	78%	99%	91%	91%
Block B	78%	98%	91%	93%
Block C	95%	98%	97%	99%
Block D	84%	99%	86%	96%

The Daylight and Sunlight Assessment also presents aggregate figures for compliance with the BRE guidance, stating that c. 92% of LKDs meet the 2% ADF target value and c. 97% of LKDs achieve ADF > 1.5%.

It is acknowledged that in a scheme of this nature it is significantly challenging for large open plan living/kitchen/dining rooms to achieve 2% ADF and do so would unduly compromise the design/streetscape. The ADF for rooms is only one measure of the residential amenity that designers should consider in the design and layout, and to this end, I am satisfied that the applicant has endeavoured to maximise sunlight / daylight to the apartments and where possible achieve 2% ADF.

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

factors including site constraints, and in order to secure wider planning objectives, such as an effective urban design and streetscape solution. Section 7.1.2 of the Daylight and Sunlight Assessment outlines compensatory measures as follows:

- 47% of the apartment units are dual aspect which is above the 33% minimum requirement as required by the Apartment Guidelines for central / accessible locations. As a result, more apartment units than the recommended minimum will achieve quality daylight from dual-aspect orientations.
- An additional 32% of external communal open space above the minimum requirements required by the Apartment Guidelines is proposed across the development.
- A variety of internal communal amenity spaces are provided for residents throughout the development, totalling 1,293 sq.m.
- All apartments have a private amenity balcony space which is accessed directly from the main living space, which is compliant with the minimum depth and area requirements of the Apartment Guidelines.
- The Daylight and Sunlight Assessment also provides ADF analysis of the internal shared amenity spaces within the development, such that 20 of the 21 spaces assessed achieved the target ADF value. The only room that did not achieve the target value is the communal kitchen at the ground floor of Block B, which may require some additional task based lighting.

Having regard to all of the above, I am generally satisfied that the overall level of residential amenity is acceptable, is considered to be in reasonable compliance with the BRE standards, in particular noting that the BRE standards allow for a flexible and reasonable alternative for ADFs, and which in any event LKDs are not specifically stipulated in the BRE guidance. The overall level of compliance must also be balanced against achieving the wider planning objectives for this site, as outlined in the development plan, and in light of the overall desirability of achieving optimum residential density on this infill site in an established residential area with regard to national planning policy on compact urban development and in view of the performance based approach of the Apartment Guidelines.

In conclusion, I have had appropriate and reasonable regard of quantitative performance approaches to daylight provision, as outlined in the Building Research Establishment's 'Site Layout Planning for Daylight and Sunlight' (2nd edition) and BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'. I am satisfied that the design and layout of the development has been fully considered alongside relevant sunlight and daylighting factors. The standards achieved, when considering all site factors and the requirement to secure comprehensive urban regeneration of this highly accessible and serviced site within the Dublin Metropolitan Area, in accordance with national and local policy guidance, are in my opinion acceptable and will result in an acceptable level of residential amenity for future occupants.

10.5.6. External Noise Issues

There are potential inward noise impacts on residential development at the site due to traffic noise associated with adjacent roads, particularly Greenhills Road, and with the surrounding industrial land uses. The submission by Brennan's Bakeries is noted in particular in this regard. It states concerns that noise generated by their adjacent manufacturing facility and associated traffic movements may have adverse impacts on residents of the development, which may generate complaints with a consequent detrimental impact on the operation of their long-standing business. The submission of Brennan's Bakeries includes a report by Amplitude Acoustics, which details noise output associated with the existing bakery premises, and highlights that the bakery premises is currently designed to reduce noise impacts on Noise Sensitive Locations to the south with noisy activities including plant and equipment and the distribution yard all located on the northern side of the premises. However, these activities are closest to the proposed development site. The submission also comments that the measured noise levels and observations summarised in the EIAR noise assessment indicate that noise levels at the development site, largely associated with the Brennan's Bakeries premises, significantly exceed the relevant night time noise limit.

EIAR Chapter 8 provides a noise assessment based on a noise survey carried out at five locations in and around the site, including during night time hours. This is used as the basis for an Inward Noise Risk Assessment, which considers potential noise levels with regard to the Professional Practice Guidance on Planning & Noise (ProPG) document published in May 2017 by a working group comprising members of the Association of Noise Consultants (ANC), the Institute of Acoustics (IOA) and the Chartered Institute of Environmental Health (CIEH), which is generally considered as a best practice guidance and has been widely adopted in the absence of equivalent Irish guidance. The Noise Risk Assessment concludes that the development site may be characterised as 'medium to high risk' with regard to the guidance provided in the ProPG document, taking into consideration noise from the Brennans Bakery premises as per EIAR section 8.3.1.2.

Predicted external noise levels within the majority of communal open spaces, communal terraces and private balconies across the development site are within the recommended range of noise levels from ProPG of between 50 – 55 dB $L_{Aeq,16hr}$. There are higher noise levels at the outdoor space along the northern boundary, associated with proximity to Greenhills Road, however this is offset somewhat by the desirability of proximity to urban surroundings and proximity and accessibility of public transport and local amenities. The Noise Risk Assessment considers that suitable external noise levels are achieved within the overall site, therefore no further mitigation is required to control external noise levels across amenity areas.

The EIAR includes an Acoustic Design Statement, which provides proposed acoustic design details including construction masonry, glazing and ventilation, which will be used to achieve an internal acoustic environment that meets internal target noise levels as per ProPG. Additional enhanced glazing and ventilators will be necessary at the north west facades of Blocks A and C and the south east facades of Block A. Additional measures are also provided at the south eastern facades of Block A, in response to noise associated with the adjacent industrial use. Given that the development will be of modern construction standards and subject to the building regulations, in particular Part L of same, it will have a high level airtightness standard and a relative high noise reduction capability. I am satisfied on this basis that internal ambient room noise levels will be within guidance parameters.

This assessment is considered acceptable subject to a condition requiring that all recommended noise attenuation measures be implemented in full. While I note the concerns raised by Brennan's Bakeries, I note that this noise source was taken into consideration in the Inward Noise Risk Assessment and I consider that the proposed design measures should ameliorate internal noise levels to within recommended parameters. I also note that external noise levels may exceed recommended parameters at some locations, however this would be case for any development of this zoned and serviced site, which is adjacent to the public road network and to several industrial estates.

10.5.7. Design and Layout Conclusion

To conclude, having regard to the above assessment, I consider that the development is generally in accordance with the quantitative guidance for BTR development provided in the Apartment Guidelines in terms of apartment size, open space provision, residents' services and amenities and dual aspect units. It is also considered to be acceptable with regard to daylight standards within apartments. Other issues arising may be addressed by condition, as discussed above. However, I have fundamental concerns regarding the interface of the development with Greenhills Road, due to the poorly negotiated difference in ground levels, to the lack of active frontages due to the presence of the IW wayleave and the associated setback of Blocks A and C, and to the car dominated public realm in the intervening area between the site boundary and the ground floors of Blocks A and C. In addition, having regard to the NTA submission, I consider that the proposed design and layout has not adequately taken account of current Bus Connects proposals for the Tallaght / Clondalkin CBC 9 route, which involves road widening and a new road junction in the immediate vicinity of the proposed site access.

I note section 28 ministerial guidelines in particular the Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities and the associated Urban Design Manual and Criteria no. 1 Context, 6 Distinctiveness, 7 Layout, 8 Public Realm and 12 Detailed Design in this regard and I consider that the proposed development has not adequately satisfied these criteria. In addition, the development is not considered to be in accordance with development plan policy H7 Urban Design in Residential Developments, which is to ensure that all new residential development within the County is of high quality design and complies with Government guidance

on the design of sustainable residential development and residential streets and policy H11 Residential Design and Layout, which is to promote a high quality of design and layout in new residential development and to ensure a high quality living environment for residents, in terms of the standard of individual dwelling units and the overall layout and appearance of the development.

10.6. Visual Impacts

- 10.6.1. The site is not within any designated historic landscape or subject to any development plan objectives relating to protected views or prospects. There are no structures or features of historic importance such as Protected Structures or Conservation Areas in the vicinity. I note the 12 no. photomontage locations indicated in the Townscape and Visual Impact Assessment (TVIA) provided in EIAR Chapter 15. Based on the site inspection and on my knowledge of the area, I am satisfied that the viewpoints chosen are representative of views in the wider area and are sufficient for a comprehensive assessment of visual impacts of the development.
- 10.6.2. The TVIA comments that the development will significantly alter the environment at Greenhills Road and will be substantially higher than existing buildings in the vicinity, resulting in a significant visual impact, however, the broad width of Greenhills Road in conjunction with the generally large scale of adjacent townscape ensure that it can be accommodated and absorbed without detrimental character effects. In addition, the development will replace an existing disused industrial complex and will provide improvements to the public realm including open space, landscaping and pedestrian / cycle infrastructure, resulting in an enhanced environment overall at Greenhills Road. The development will be visible from Walkinstown Roundabout and will act as a landmark in the area, however it will not substantially alter views from adjacent residential areas given the intervening distances. I accept the applicant's contention that the development will act as a landmark on Greenhills Road and I am satisfied overall that the development would not have significant adverse visual impacts in the wider area such as would warrant a refusal of permission. However, as discussed above, I have serious concerns regarding the interface with Greenhills Road and the quality of the public realm in the immediate vicinity of the development site.

10.7. Building Height

10.7.1. The SDCC Elected Members state concerns about the proposed 5-12 storey building height, particularly at the Greenhills Road side of the development. The CE Report comments that the proposed height exceeds that provided for in development plan policy but considers that the applicant's rationale for building height demonstrates that the development is of a form that would comply with the requirements of SPPR 3 of the Building Height Guidelines.

10.7.2. Development plan policies and objectives on building height, as set out in section 6.4 above, generally aim to direct buildings over five storeys to strategic and landmark locations in Town Centres, Mixed Use zones and Strategic Development Zones and Regeneration Zones, subject to an approved Local Area Plan or Planning Scheme, which does not apply in this instance. Development plan section 11.2.7 states:

Proposals for 'tall buildings', that exceed five storeys will only be considered at areas of strategic planning importance such as key nodes, along the main street network and along principal open spaces in Town Centres, Regeneration zones and Strategic Development Zones, and subject to an approved Local Area Plan or Planning Scheme

While the development site has the REGEN zoning objective, it is not subject to an approved Local Area Plan or Planning Scheme. I therefore consider that the development materially contravenes the development plan in relation to the matter of building height. The applicant's Material Contravention Statement addresses building height and it is therefore open to the Board to invoke section 37(2)(b) in relation to the matter if they wish, as discussed below in relation to Material Contravention. The development may be considered in terms of consistency with national planning policy on building height as follows.

10.7.3. NPO 35 of the NPF seeks to increase residential densities in settlements and NPO 13 states that building heights in urban areas will be based on performance criteria that seek to achieve well-designed high-quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected. The principle of

increased height, such as that set out here, is therefore supported by the NPF, subject to compliance with the relevant performance criteria.

10.7.4. Section 1.21 of the Building Height Guidelines sets out that that increasing prevailing building heights has a critical role to play in addressing the delivery of more compact growth in our urban areas and section 2.3 of the Guidelines states that, while achieving higher density does not automatically and constantly imply taller buildings alone, increased building height is a significant component in making optimal use of the capacity of sites in urban locations where transport, employment, services or retail development can achieve a requisite level of intensity for sustainability. Section 2.4 of the Guidelines highlights that increased building height helps to optimise the effectiveness of past and future investment in public transport serves including rail, Metrolink, LUAS, Bus Connects and walking and cycling networks. The Building Height Guidelines also note that planning authorities have sometimes set generic maximum height limits across their functional areas. It is noted that such limits, if inflexible or unreasonably applied, can undermine wider national policy objectives to provide more compact forms of urban development as outlined in the NPF, also that such limitations can hinder innovation in urban design and architecture leading to poor planning outcomes.

10.7.5. Section 3 of the Building Height Guidelines sets out principles and criteria for planning authorities and the Board to apply when considering individual applications. SPPR 3 of the Guidelines states:

It is a specific planning policy requirement that where;

- 1. an applicant for planning permission sets out how a development proposal complies with the criteria above; and*
- 2. the assessment of the planning authority concurs, taking account of the wider strategic and national policy parameters set out in the National Planning Framework and these guidelines; then the planning authority may approve such development, even where specific objectives of the relevant development plan or local area plan may indicate otherwise ...*

The development may be considered with regard to the principles and criteria set out in section 3 as follows, with regard to the rationale submitted by the applicant and to the analysis provided in the CE Report. I am satisfied that there is adequate

documentation on file, including drawings, layouts, design details, Architectural Design Statement, Townscape and Visual Impact Assessment (TVIA), photomontages and CGIs and the Daylight and Sunlight Assessment Report, to enable due consideration on the following matters and I have had regard to same. The assessment is also based on my site inspection dated 7th June 2022, as well as the submitted architectural models.

10.7.6. I have considered the development with regard to the development management principles set out in section 3.1 of the Building Height Guidelines as follows:

<p>Does the proposal positively assist in securing National Planning Framework objectives of focusing development in key urban centres and in particular, fulfilling targets related to brownfield, infill development and in particular, effectively supporting the National Strategic Objective to deliver compact growth in our urban centres?</p>
<p>The development site is in an established area adjoining several bus routes and a proposed Bus Connects corridor and close to a wide range of services and amenities. The development of an underutilised infill site is therefore considered to support the above principle.</p>
<p>Is the proposal in line with the requirements of the development plan in force and which plan has taken clear account of the requirements set out in Chapter 2 of these guidelines?</p>
<p>The development exceeds the building height parameters set out in the South Dublin County Development Plan 2016-2022 for this location. The Development Plan provides that buildings over five storeys are to be limited to strategic and landmark locations in Town Centres, Mixed Use zones and Strategic Development Zones and Regeneration Zones, subject to an approved Local Area Plan or Planning Scheme, generally in accordance with SPPR 1 of the Building Height Guidelines. The development plan predates the Building Height Guidelines.</p>
<p>Where the relevant development plan or local area plan pre-dates these guidelines, can it be demonstrated that implementation of the pre-existing policies and objectives of the relevant plan or planning scheme does not align with and support the objectives and policies of the National Planning Framework?</p>
<p>I am satisfied that the development plan and policies and objectives of same relating to building height are generally consistent with and support the policies and objectives of the NPF. However, I note the provisions of NPF NPO 13, which provides that planning standards for building height in urban areas will be based on performance criteria that seek to achieve well-designed high-quality outcomes in order to achieve targeted growth and states:</p> <p><i>These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.</i></p>

I also note NPO 35, which seeks to increase residential density in settlements through a range of measures including infill development schemes, site-based regeneration, and increased building heights.

Having regard to the applicant's rationale for the proposed building height, to the planning's authority's assessment of the matter as set out in the CE Report and to my detailed analysis of the documentation on file and site inspection, I have considered the development with regard to the development management criteria set out in section 3.2 of the Building Height Guidelines as follows:

At the scale of the relevant city/town

- The site is a substantial area of currently disused zoned and serviced lands in an established area close to a wide range of services and amenities.
- The site has an accessible location, as outlined above in relation to residential density.
- The site is not immediately adjacent to any designated Architectural Conservation Areas or protected structures. The application includes an Architectural Design Statement, Landscape Design Statement and TVIA. I am satisfied with regard to the submitted Architectural Design Statement and TVIA that the development will not have any significant adverse visual impacts in the wider area and that no key landmarks or views will be unduly impacted.
- Having regard to my assessment of impacts on visual and residential amenities and of interactions with the public realm, as discussed elsewhere in this report, I consider that the development will have a strong presence at Greenhills Road and will be visible from many vantage points in the wider area, including residential areas. I accept the applicant's contention that the development presents an opportunity to create a gateway/marker to give a focus and identity to Walkinstown. However, while the development provides a contribution to the public realm in the form of a plaza at Greenhills Road, which represents some planning gain, the proposed interface with Greenhills Road is considered unsatisfactory overall due to the presence the existing unsightly retaining wall, which is to be retained, and to the retention of the IW wayleave at the site frontage, which prevents the provision of an active frontage to this stretch of Greenhills Road. In addition, I note that several matters remain unresolved regarding the integration of Bus Connects proposals for the Tallaght/ Clondalkin CBC 9 route in this area of Greenhills Road.

At the scale of the district/neighbourhood/street

- The public realm at this location is currently characterised by low rise industrial units and warehousing with limited pedestrian facilities, no cycling infrastructure and no public open space. The development would undoubtedly make some contribution to the public realm with

the provision of a public plaza and pedestrian / cycle infrastructure. However, several aspects of the interface with Greenhills Road have not been resolved satisfactorily. In addition, the development does not include any proposals to upgrade the adjoining road within the Greenhills Industrial Estate and there is a potential traffic hazard relating to vehicular, pedestrian and cycle movements at the access to the creche on the ground floor of Block A.

- The development site is not immediately adjacent to any residential properties. Given the intervening distances, I am satisfied that the development will not have any significant adverse impacts on residential amenities by way of overlooking, overshadowing or visual obtrusion.
- The proposed design is broken into blocks with south facing public and communal open spaces, a variety of finishes and architectural treatments to provide interest. I am satisfied that it is not monolithic.
- It is considered that the design and layout of the development do not make a satisfactory contribution to the public realm at Greenhills Road, or integrate successfully with the emerging Bus Connects proposals for this area.
- It is considered that the development therefore will not make a positive contribution to the character and identity of the area, notwithstanding the provision of public open space, which is a desirable element of the scheme.
- The issue of potential flood risk is assessed below, which concludes with regard to the Flood Risk Management Guidelines that the site is entirely located in Flood Zone C and that no significant flood risk arises at or as a result of the development.
- The development will make a positive contribution to the mix of housing typologies in the area, which is generally characterised by low density two storey housing. The proposed Part V provision is noted. The development will also provide ten commercial units, in accordance with the REGEN zoning objective, as well as a childcare facility, which will enhance the social infrastructure of the area.

At the sale of the site/ building

The form, massing and height of proposed developments should be carefully modulated so as to maximise access to natural daylight, ventilation and views and minimise overshadowing and loss of light.

The development is considered to be generally in accordance with the quantitative guidance for BTR development provided in the Apartment Guidelines in terms of apartment size, open space provision and residents' services and amenities. Given the intervening distances to residential properties, I am satisfied that the development will not have significant adverse impacts on residential amenities by way of overshadowing. I accept that the development will change the outlook from adjacent residential areas, however this will be the case of any high density development of these zoned and serviced lands, in line with national planning policy.

Appropriate and reasonable regard should be taken of quantitative performance approaches to daylight provision outlined in guides like the Building Research Establishment's 'Site Layout

Planning for Daylight and Sunlight' (2nd edition) or BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'. Where a proposal may not be able to fully meet all the requirements of the daylight provisions above, this must be clearly identified and a rationale for any alternative, compensatory design solutions must be set out, in respect of which the planning authority or An Bord Pleanála should apply their discretion, having regard to local factors including specific site constraints and the balancing of that assessment against the desirability of achieving wider planning objectives. Such objectives might include securing comprehensive urban regeneration and or an effective urban design and streetscape solution.

The applicant's Daylight and Sunlight Assessment Report considers access to daylight and sunlight within the proposed apartments as well as overshadowing of amenity spaces within the development, with regard to BS 8206-2:2008 recommendations, as summarised above. I am satisfied that the submitted Daylight and Sunlight Assessment Report is sufficient to assess a development of the scale proposed. Overall, I consider that compliance with BRE 209 and BS2008 is achieved, and that the amenity of existing residents and future residents is satisfactorily addressed and maintained.

Specific Assessments

The application includes the following:

- EIAR (including Chapter 10 Microclimate Impact Assessment, Chapter 11 assessment of impacts on telecommunications channels, Chapter 13 Townscape and Visual Impact Assessment)
- AA Screening Report
- Bat Survey Report
- Architects Design Statement
- Daylight and Sunlight Assessment Report
- Traffic and Transport Assessment
- Flood Risk Assessment

The development will not impact on air navigation as it is not on a flight path and a specific assessment is therefore not considered necessary in this instance.

10.7.7. Building Height Conclusion

As discussed above in relation to design and layout, I consider that the development materially contravenes development plan policies H7 and H11 in relation to design and layout and interaction with the public realm. I also consider that it would contravene development plan Policy U6 Objective 2 to ensure that higher buildings in established areas take account of and respect the surrounding context, due to the poorly negotiated difference in ground levels, to the lack of active frontages due to

the presence of the IW wayleave and the associated setback of Blocks A and C, and to the car dominated public realm in the intervening area between the site boundary and the ground floors of Blocks A and C, as well as the failure to integrate with Bus Connects proposals for CBC 9. It is also considered that the development does not adequately satisfy Criteria no. 1 Context, 6 Distinctiveness, 7 Layout, 8 Public Realm and 12 Detailed Design of the Urban Design Manual. Having regard to my above assessment, I consider that proposed development does not satisfy the criteria set out in section 3.2 of the Building Height Guidelines. The development site does offer an opportunity for increased height in order to achieve an optimum residential density in accordance with national planning policy. However, it does not make a satisfactory contribution to the public realm and therefore does not provide the optimal design solution for the site, having regard to the site's locational context. At the scale of the district/ neighbourhood/ street, the applicant has not satisfactorily demonstrated that the development would successfully improve the public realm at Greenhills Road. The development would, therefore, be contrary to the Urban Development and Building Heights Guidelines for Planning Authorities.

10.8. Childcare Provision

10.8.1. The Childcare Facilities Guidelines for Planning Authorities recommend a minimum provision of 20 childcare places per 75 no. dwellings. Section 4.7 of the Apartment Guidelines states that the threshold for the provision of childcare facilities in apartment schemes should be established having regard to the scale and unit mix of the scheme, the existing geographical distribution of childcare facilities and the emerging demographic profile of the area. One bed or studio units should generally not be considered to contribute to a requirement for any childcare provision and, subject to location, this may also apply in part or whole to units with two or more bedrooms. The development includes 292 no. one bed units, 280 no. two bed units and 61 no. three bed units. This entails a maximum childcare requirement of c. 90 no. childcare places if all of the proposed two-bed units are taken into account. The proposed creche is stated to cater for 90-120 children, having regard to an accepted industry average of c. 3-4 sq.m. gross floor space per child. It is also submitted that an adjacent commercial unit on the ground floor of Block A could also accommodate additional creche floorspace if there is sufficient demand. The development therefore exceeds the requirements of the Childcare Guidelines with

regard to the quantum of childcare provision and the proposed childcare provision is considered satisfactory overall.

10.9. Movement and Transport

10.9.1. The site has an accessible location. Greenhills Road is currently served by the 27 and 77A bus routes, which connect to the city centre and to the western suburbs. There is a bus stop adjacent to the site. The site is also adjacent to bus route 9 at the Walkinstown Roundabout. These routes have the following frequency, as detailed in the submitted Traffic and Transport Assessment (TTA):

- Route no. 27 Jobstown to Clare Hall via City Centre 6 per hour at AM peak
- Route no. 77A Citywest to Ringsend 2 per hour at AM peak
- Route no. 9 Limelick Avenue to Charlestown 6 per hour at AM peak

The site is therefore served by 14 buses per hour during the AM peak. The TTA details projected public transport demand associated with the development with 21% of the residents travelling by bus, as per the submitted Mobility Management Plan (MMP), of c. 120 commuters per hour or 11% of the estimated capacity of the existing bus network. It is therefore assumed that the existing bus network has capacity for the development. In addition, as discussed above, the site is on the Bus Connects Core Bus Corridor 9 Greenhills to City Centre, as provided for the Transport Strategy for the Greater Dublin Area. The site is also adjacent to the F spine of Bus Connects, which connects to Walkinstown Roundabout. Bus Connects will result in similar capacity in the local bus network but with reduced journey times. I note the comment of the NTA that the development may necessitate the provision of a new bus stop to serve the demand that the development will generate.

10.9.2. The proposed car parking provision may be considered with regard to development plan standards for Zone 2 as follows (as per the TTA / MMP):

Land Use	Area/Units	Maximum Car Parking Standard	Maximum Car Parking Required
One bed apartment	292	0.75 per unit	219
Two bed apartment	280	1 per unit	280
Three bed apartment	61	1.25 per unit	76
Commercial units	1330 sq.m.	1 per 75 sq.m.	18
Creche	360 sq.m.	0.5 per classroom (10 no. classrooms assumed)	5
Total			598 spaces

The proposed provision for the apartments is 398 no. car parking spaces plus 21 no. accessible spaces, equating to 0.66 spaces per unit, as well as 15 no. spaces for the commercial units and four motorcycle spaces. Development plan section 11.4.2 states that the car parking standards are maximum rates which should not be exceeded and that a lower rate of parking may be accept subject to several considerations including proximity to public transport, proximity to services, MMP, levels of car dependency, proximity to employment, possibility of complementary usage of spaces and capacity of the local road network. I do not consider that the development materially contravenes the development plan car parking standards given this scope for flexibility in their application, however, given that the matter is raised in the Material Contravention Statement, it is open to the Board to invoke section 37(2)(b) of the of the Planning and Development Act 2000 in relation to car parking provision if they wish. I note section 4.19 of the Apartment Guidelines, which addresses car parking for larger scale and higher density developments at central and / or accessible urban locations. The default policy at such locations is for car parking provision to be minimised, substantially reduced or wholly eliminated in certain circumstances, particularly at highly accessible locations such as adjacent to public transport nodes. In addition, SPPR 8 (iii) of the Apartment Guidelines states that here shall be a default of minimal or significantly reduced car parking provision for BTR development on the basis that it is more suitable for central locations and/or proximity to public transport services. The requirement for a BTR scheme to have a strong central management regime is intended to contribute to the capacity to

establish and operate shared mobility measures. The MMP details the proposed parking regime for the development, along with the provision of five car club spaces, and provides a rationale for the proposed car parking quantum with regard to modal split data for the area from Census records and Dublin City Canal Cordon counts, as well as the availability of public transport. The NTA submission requests that ABP consider the appropriateness of the proposed car parking quantum and submits that, given the location close to a high frequency bus corridor and the associated low level of demand for car use anticipated, a more restrictive provision could be applied, which would also reduce traffic impacts on the surrounding road network. This matter is considered further below in the context of traffic impacts.

10.9.3. The proposed cycle parking provision may be considered with regard to development plan cycling standards and to the Apartment Guidelines as follows:

Land Use	Area / Units	Development Plan Cycle Standard	Apartment Guidelines
One bed apartment	292	1 private secure bicycle space per 5 no. apartments + 1 visitor cycle space per 10 no. apartments = 190 spaces	1 per bedroom + 1 visitor space per 2 units = 1,325 spaces
Two bed apartment	280		
Three bed apartment	61		
Commercial units	1330 sq.m.	1 space per 200 sq.m. = 7 spaces	-
Creche	360 sq.m.	None specified	-
Total		197 spaces	1,352 spaces

The proposed cycle parking provision is 1,363 no. spaces, which exceeds the above requirement, comprising 1,035 no. residents' spaces, 5 no. accessible cycle spaces and 7 no. cargo cycle spaces in 9 no. cycle storerooms in ground and first floor parking areas and 316 no. visitor cycle spaces. This provision is considered satisfactory.

10.9.4. The development is to have a single vehicular access at a priority junction with Greenhills Road, at the north eastern corner of the site. There are two secondary vehicular accesses from Greenhills Industrial Estate to the south, which are to be used for emergency / maintenance vehicles only. The Greenhills Road access is

located close to the junction between Greenhills Road and the proposed new link to Calmount Road, which is to be developed as part of the new CBC, with bus lanes, pedestrian and cycle infrastructure. There are currently limited pedestrian and cycle facilities in the area. The Traffic and Transport Assessment (TTA) is based on traffic surveys carried out in February and November 2019, before the impact of Covid19 restrictions, at three local junctions:

- Noyek's Roundabout to the southwest
- Greenhills Road / L4006 Ballymount Road Upper signalised junction to the south west
- Walkinstown Roundabout

The volumes from Greenhills Road /L4006 and Noyek's Roundabout junction (to the northeast) are seen as indicative of the flows along Calmount Road towards the M50 when completed links are in place. The TTA finds that the generated flows from the subject site are below the 5% threshold at all three surveyed junctions. The findings for each of the three junctions may be summarised as follows:

- The increase at Noyek's Roundabout is < 1%. The TTA does not carry out any further analysis of the Noyek's Roundabout
- There is a 2% increase at the Walkinstown Roundabout. The detailed analysis of the Walkinstown Roundabout finds that it currently operates within capacity during both peak hours. It will operate at or near capacity in 2024 without the development with maximum Degree of Saturation (DoS) at 104% in the AM peak. The maximum DoS increases to 110% in AM peak in 2024 with the development in place. The roundabout will be above capacity with and without the development in the years 2029 and 2039.
- There is a 4% increase at the Greenhills Road / Ballymount Road Upper junction. The junction currently operates at or near capacity during both peak hours. It will operate at or just over capacity in 2024 without the development with a maximum DoS of 108% and will have a maximum DoS of 123% in 2024 with the development in place. The junction is above capacity for both scenarios in 2029 and 2039.

The TTA therefore concludes that the development will have a negligible cumulative traffic impact on the surrounding road network, which is already operating near capacity with existing traffic volumes.

- 10.9.5. The SDCC Elected Members state concerns about traffic impacts on the surrounding area. SDCC Roads Department generally states satisfaction with the proposed layout. The NTA submission states concerns in relation to potential traffic increases on Greenhills Road and resulting conflict with the Bus Connects CBC 9 and associated cycle and bus movements. The submission states:

It is noted that a junction traffic analysis has not been provided within the applicants Transport Assessment for the proposed priority junction off Greenhills Road. Therefore, no evidence has been provided to demonstrate that the proposed design caters for the proposed trip generation i.e., to demonstrate that the entrance does not require a signalised junction/dedicated right-turn lane such that bus priority is not compromised.

This matter is also noted by SDCC Roads Department, which comments that the TTA does not take into account the Calmount Road link, which will carry traffic towards Noyek's Roundabout and remove traffic from this section of Greenhills Road. It recommends that a revised TTA should be required by condition to reflect this future traffic pattern. I also note in this regard that the TTA does not consider the interaction between the proposed Greenhills Road access and the existing access to Greenhills Industrial Estate, which is likely to be heavily trafficked.

- 10.9.6. The NTA also states concerns that the layout of the northern edge of the site may be incompatible with the future Bus Connects works, which will involve road widening at this location to incorporate bus and cycle lanes. I note section 4.3 of the submitted Bus Connects proposals for CBC 9, which state:

Between the Calmount Road and Walkinstown Roundabout, it is proposed to maintain one bus lane, one traffic lane and a cycle track in both directions, which will require some land take primarily along the southside of Greenhills Road.

The NTA submission states:

It is not clear that sufficient consideration has been given to accommodate the future widening of Greenhills Road in line with the current proposals for the

Tallaght/Clondalkin to City Centre CBC scheme. Similarly, any associated retaining infrastructure required within the boundary as part of proposed the new priority junction off Greenhills Road do not appear to have been incorporated to reflect the future CBC Scheme. (See Foundations Structure and Key Plan Drawing 20189-LDE-ZZ-ZZ-DR-SC-3S01 submitted as part of the planning application)

Clarification is required regarding proposed boundary treatments and the extent of proposed retaining structures. The potential impact of construction revised loading in conjunction with the BusConnects proposals over the existing 1200mm diameter watermain should also be considered.

The NTA recommends that, if permission is granted, the applicant should be required to liaise with the NTA and reach agreement on the design of the road layouts, boundary treatments and associated infrastructure, in order to support the implementation of the CBC. The CE Report recommends conditions to address this matter, comprising the omission of Block C, or a revised interface with Greenhills Road, as discussed above. The recommended Condition no. 5 also requires liaison with the NTA, to indicate that the Bus Connects scheme has been fully taken into consideration and that areas required for widening shall not provide any form of development or landscaping, including landscaping and boundary treatments, the vehicular entrance and cycle ramp, pedestrian entrances from Greenhills Road and a proposed ESB substation and switch room adjacent to Greenhills Road. The recommended Condition no. 6 requires the applicant to submit a revised Transport Assessment that sets out a junction traffic analysis for the proposed priority junction off Greenhills Road, access to public transport and an additional bus stop if required.

10.9.7. The NTA states a preference for a vehicular access from the access road within Greenhills Industrial Estate to the south of the site, with a pedestrian / cycle access only from Greenhills Road. The development does not appear to include any works / upgrade within Greenhills Industrial Estate, with pedestrian access and emergency / maintenance access only at this location. Condition no. 7 recommended in the CE Report requires the applicant to upgrade the surface of the southern access road. I note that the creche on the ground floor of Block A is adjacent to the southern site boundary and I have concerns that this element of the development would generate additional vehicular, pedestrian and cycle movements associated with creche drop off, within the industrial estate. The existing road may not have capacity for these

movements and there is also a potential conflict with HGV movements and other commercial traffic. This matter is unresolved in the current application. I therefore consider that the development would result in a traffic hazard at the southern access road.

10.9.8. To conclude, having regard to all of the above matters, I consider that there are several important movement and transport issues unresolved in the subject application, namely:

- The recommendation of the NTA for reduced car parking provision at this accessible location;
- The interface between the northern edge of the development and the as yet not final CBC no 9 layout including land take, loading, ground levels, boundary treatments, pedestrian and cycle facilities;
- The interaction between the proposed pedestrian/ vehicular / cycle access from Greenhills Road and the new signalised junction with the Calmount Road link as part of the CBC works;
- The interaction of the Greenhills Road access with the existing access to Greenhills Industrial Estate, which is likely to be heavily trafficked;
- The need for an additional bus stop to serve the development;

The lack of consideration in the TTA of the traffic impacts associated with Bus Connects works, in particular the new link to Calmount Road, and the consequent impacts on traffic flows in the area and on the local road network. Also no assessment of the proposed Greenhills Road Access and of impacts on the existing access to Greenhills Industrial Estate. The TTA and the EIAR are therefore considered deficient in this respect.

- The lack of detail regarding potential necessary upgrade works to the road to the south of the site within Greenhills Industrial Estate and the issue of a traffic hazard at this location associated with vehicular, pedestrian and cycle movements generated by the adjacent creche on the ground floor of Block A and conflict with HGV movements and commercial traffic associated with the industrial estate.

I accept that the CE Report recommends several conditions to address these matters, as discussed above. However, these conditions would involve further liaison with the NTA and further assessment of movement and transport issues, which have not been addressed in the submitted TTA or EIAR, the outcome of which cannot be anticipated at this stage. I therefore consider that they cannot be satisfactorily resolved by condition.

10.10. Drainage, Flooding and Site Services

10.10.1. The development will connect to the existing surface water infrastructure in the area. The submitted Engineering Services Report provides details of the existing surface water network and of the proposed surface water drainage design including SuDS measures such as green and blue roofs, permeable paving, porous asphalt, petrol interceptors, Hydrobrake and attenuation tank under the courtyard area adjacent to Block B, rain gardens and tree pits. The proposed surface water drainage system will attenuate discharge from the completed development to a peak flow rate of 2 l/s, representing a significant improvement on the current drainage regime at the site. Ground conditions are detailed as per the submitted Ground Investigation Report. The report of SDCC Water Services states no objection subject to clarification of separation between the foul and surface water drainage systems, and other requirements.

10.10.2. The submitted Site Specific Flood Risk Assessment (SSFRA) states that the site is entirely within Flood Zone C and therefore has a low probability of experiencing a flood event. I note that the planning authority states no concerns in relation to flood risk at the site. I am satisfied from the SSFRA that the development is not at risk of flooding and will not result in any increased risk of downstream flood impacts.

10.10.3. The development will connect to the existing foul sewerage network and public watermain. The Engineering Services Report provides details of projected water demand and foul outflows from the development and new watermains and foul network design. The watermain layout involves retaining the existing watermain in the northern part of the site, rather than diverting it and removing it from the site. The submission on file from Irish Water, dated 1st July 2022, states that the applicant has engaged with IW regarding necessary upgrade works. Conditions are recommended.

No significant infrastructural or capacity issues are identified. The proposed water supply and foul drainage arrangements are considered satisfactory on this basis.

10.11. Material Contravention

10.11.1. Assessment of Material Contravention of the South Dublin County Development Plan 2016-2022

The applicant's Material Contravention Statement refers to eight separate grounds of material contravention comprising (i) building height; (ii) density; (iii) housing mix; (iv) tenure mix; (v) apartment guidelines; (vi) separation distance and (viii) car parking. As discussed in the relevant sections above, I consider that the development does not contravene the development plan in relation to the matters of residential density, housing mix, separation between blocks and car parking.

The proposed Part V provision differs from the projected housing requirements set out in the Interim South Dublin County Council Housing Strategy 2016-2022 and the development may therefore be considered to materially contravene the development plan in relation to this matter. The applicant's Material Contravention Statement addresses the matter of tenure mix and it is therefore open to the Board to invoke section 37(2)(b) of the of the Planning and Development Act 2000 in relation to tenure mix.

The development plan refers to the 2015 Apartment Guidelines, while the proposed development is designed to comply with the 2020 Apartment Guidelines. The development may therefore be considered to materially contravene the development plan in this respect, however, the issue of apartment standards is addressed in the Material Contravention Statement, and it is therefore open to the Board to invoke section 37(2)(b) of the of the Planning and Development Act 2000 in relation to apartment standards.

The proposed 5-12 storey development exceeds the five storey height maximum provided for in development plan section 11.2.7 and I therefore consider that the development materially contravenes the development plan in relation to the matter of building height. The applicant's Material Contravention Statement addresses building height and it is therefore open to the Board to invoke section 37(2)(b) in relation to building height.

10.11.2. Section 37(2)(b) Analysis

I shall now address the issue of material contravention with regard to the relevant legal provisions.

In relation to section 37(2)(b)(i) of the Planning and Development Act 2000 (as amended):

The proposed development is in accordance with the definition of Strategic Housing Development, as set out in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016 and delivers on the Government's policy to increase the delivery of housing from its current under-supply as set out in Rebuilding Ireland Action Plan for Housing and Homelessness. The proposed development is therefore considered to be strategic in nature.

In relation to section 37(2)(b)(iii):

Permission for the development should be granted having regard to guidelines under section 28 of the Act and the National Planning Framework, specifically:

- In relation to tenure mix, regard is had to the Eastern & Midland Regional Assembly Regional Spatial & Economic Strategy 2019-2031, Project Ireland 2040 National Planning Framework and in particular National Policy Objective 35, and the provisions of Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in December 2020.
- In relation to apartment standards, regard is had to the provisions of Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in December 2020.
- In relation to building height, regard is had to SPPR 3 of the Building Height Guidelines, which state that where a development complies with the Development Management Criteria in section 3.2 of the Guidelines, it may be approved, even where specific objectives of the relevant development plan or local area plan may indicate otherwise and national policy in Project Ireland 2040 National Planning Framework (in particular objectives 13 and 35). As discussed

above, it is considered that the proposed development does not conform with the development management criteria in section 3.2 of the Urban Development and Building Height Guidelines.

The provisions of section 9(3) of the SHD Act are also noted in this regard, i.e., that where SPPRs of section 28 guidelines differ from the provisions of a development plan of a planning authority, then those requirements shall, to the extent that they so differ, apply instead of the provisions of the development plan.

10.12. Planning Assessment Conclusion

10.12.1. The proposed residential development is acceptable in principle at this site with regard to the relevant REGEN zoning objective under the South Dublin County Development Plan 2016-2022 and to the accessible location of the site on several bus routes and in an established area with a wide range of social infrastructure and public amenities. An appropriate development on this site has the potential to contribute to the provision of high-quality housing within the area, at a density and scale that would achieve the optimum use of the zoned and serviced lands, in accordance with national planning policy. However, I have serious reservations in relation to the proposed development in terms of quality of the layout and design and contribution to the public realm at Greenhills Road and I do not consider that it achieves the optimum design solution for the development site. The layout and design are considered to be of poor quality and if permitted would not meet the standard of provision required under the various section 28 guidelines including the Urban Design Manual – A Best Practice Guide 2009 and the 12 criteria therein. In addition, the development creates potential traffic hazards at the proposed access to Greenhills Road and at the interface with the road within Greenhills Industrial Estate to the south of the site. Having regard to the submission of the NTA, it is considered that several significant issues relating to the integration of the proposed Bus Connects Tallaght / Clondalkin Core Bus Corridor 9 at Greenhills Road are not resolved, including impacts on the junction between Greenhills Road and the proposed Calmount Road link and potential traffic impacts at Calmount Road as a result of the new roads layout in the area, which are not assessed in the submitted TTA, amongst other issues.

10.12.2. I therefore consider that the development would materially contravene the REGEN zoning objective, would contravene development plan Policy H7 Urban Design in Residential Developments, which is to ensure that all new residential development within the County is of high quality design and complies with Government guidance on the design of sustainable residential development and residential streets; development plan Policy H11 Residential Design and Layout, which is to promote a high quality of design and layout in new residential development and to ensure a high quality living environment for residents, in terms of the standard of individual dwelling units and the overall layout and appearance of the development and development plan Policy U6 Objective 2 to ensure that higher buildings in established areas take account of and respect the surrounding context. The proposed development would also be contrary to the provisions of the “Urban Design Manual – a Best Practice Guide” issued by the Department of the Environment, Heritage and Local Government in 2009, to accompany the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, in particular Criteria no. 1 Context, 6 Distinctiveness, 7 Layout, 8 Public Realm and 12 Detailed Design. In addition, the development would be contrary to the Urban Development and Building Heights, Guidelines for Planning Authorities, published by the Department of Housing, Planning and Local Government in December 2018, and would be, therefore, be contrary to the proper planning and sustainable development of the area.

10.12.3. I note the recommendation of the planning authority that, if the Board decides to grant permission, conditions should be imposed requiring, *inter alia*:

- The omission of Block C including its undercroft and basement parking and all ancillary elements including its entrance plaza and access ramp, also the omission of a bin store adjacent to the northern site boundary OR
- The applicant to submit revised plans, sections, elevations, etc, to indicate the public open space to the front of Block C at an elevated position above the access road to interface with Greenhills Road, with a revised approach to the building line, tall building, open space and connection down into the site. The applicant is to liaise with Irish Water and secure agreement in relation to same.

- Revised plans to indicate that the Bus Connects scheme at this location has been fully taken into consideration and that the areas required for widening shall not provide any form of development or landscaping. The applicant is to liaise with the NTA on this matter.
- Revised Transport Assessment to provide analysis of the proposed priority junction of Greenhills Road, to demonstrate that the entrance does not require a signalised junction. Also an assessment and details of an additional bus stop if required. To be agreed with the NTA.

I do not consider it appropriate to address these issues by condition. The approach suggested by the planning authority to omit Block C, which is the highest element of the development at 12 storeys and which contains 130 apartments, could result in an unbalanced development, where due consideration has not been given to the overall design and proportions of the blocks. In addition, the outcome of consultations with the NTA and Irish Water regarding fundamental aspects of the development cannot be anticipated at this stage and may raise further matters that have not been addressed in the submitted EIAR. Further Environmental Impact Assessment cannot be carried out subsequent to permission, including traffic assessment. I therefore do not recommend such conditions as a way of addressing the above issues. I consider that the concerns raised above are complex, interrelated, and fundamental in nature and cannot easily be addressed by way of amendments required by condition.

10.12.4. I therefore recommend that the Board **refuse permission** in this instance.

11.0 Environmental Impact Assessment (EIA)

11.1. Statutory Provisions

11.1.1. The application was accompanied by an Environmental Impact Assessment Report (EIAR), which is mandatory for the development in accordance with the provisions of Part X of the Planning and Development Act 2000 (as amended) and Schedule 5 of the Planning and Development Regulations 2001-2015.

11.1.2. Item 10 (b) of Part 2 of Schedule 5 provides that an EIA is required for infrastructure projects comprising of either:

- Construction of more than 500 dwelling units ...

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

The development would provide 688 no dwellings on a site of 2.79 ha on zoned lands in an established urban area. The proposal therefore exceeds the threshold of 500 dwellings and an EIA is mandatory.

11.1.3. I have carried out an examination of the information presented by the applicant, including the EIAR, and the submissions made during the course of the application. A summary of the submissions made by the planning authority and prescribed bodies has been set out previously this report. A summary of the main contents of the EIAR are listed below, with a detailed assessment of the environmental aspects after.

- Volume 1 of the EIAR provides the Non-Technical Summary
- Volume 2 comprises the Written Statement
- Volume 3 provides the Technical Appendices
- Section 1.7 describes the expertise of those involved in the preparation of the report.
- Chapter 16 summarises Interactions and Chapter 17 provides a Schedule of Mitigation Measures

11.1.4. The likely significant effects of the development are considered under the headings below which generally follow the order of the factors set out in Article 3 of the EIA Directive 2014/52/EU:

- Population and Health
- Biodiversity
- Lands, Soil and Geology
- Water and Hydrology
- Noise and Vibration
- Air Quality and Climate
- Microclimate

- Utilities
- Waste
- Traffic
- Archaeology, Architectural and Cultural Heritage
- Landscape and Visual Amenity

I am satisfied that the information contained in the EIAR has been prepared by competent experts and generally complies with article 94 of the Planning and Development Regulations 2000, as amended, and the provisions of Article 5 of the EIA Directive 2014.

11.2. Vulnerability of Project to Major Accidents and/or Disaster

- 11.2.1. The requirements of Article 3(2) of the Directive include the expected effect deriving from the vulnerability of the project to risks of major accidents and / or disaster that are relevant to the project concerned. EIAR Chapter 4 deals with the risk of major accidents and disasters. The surrounding environs consists of a mix of commercial, warehousing and industrial land uses. There is no site regulated under the Control of Major Accident Hazards Involving Dangerous Substances Regulations i.e. SEVESO, at the development site. The Ballymount Industrial Estate, to the north, contains two Seveso sites which are located more than 1 km from the development site. The EIAR states that these sites are unlikely to result in a risk to human health and safety. There are no significant sources of pollution in the development with the potential to cause environmental or health effects. Chapter 7 of the EIAR addresses the issue of flooding and the site is not in an area at risk of flooding. I am satisfied that the proposed use, i.e. residential, is unlikely to be a risk of itself. Having regard to the location of the site and the existing land use as well as the zoning of the site, I am satisfied that there are unlikely to be any effects deriving from major accidents and or disasters.

11.3. Alternatives

- 11.3.1. Article 5(1)(d) of the 2014 EIA Directive requires a description of the reasonable alternatives studied by the developer, which are relevant to the project and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the project on the environment. EIAR Chapter 2

deals with alternatives and sets out a rationale for the development. Having regard to the fact that the zoning of the development site expressly provides for residential development, it was not considered necessary to consider alternative locations in detail. A number of site layouts and alternative designs were considered during the iterative design process, with regard to constraints including topography, road layout, pedestrian and cycle permeability, provision of car and cycle parking, layout of open spaces and communal areas. EIAR section 2.4 presents several alternative designs / layouts considered during the iterative design process, with a consideration of the merits of each alternative. The development as now proposed is considered to have arrived at an optimal solution in respect of making efficient use of zoned, serviceable lands. The description of the consideration of alternatives in the EIAR is reasonable and coherent, and the requirements of the directive in this regard have been satisfactorily addressed.

11.4. Assessment of the Likely Significant Direct and Indirect Effects

11.4.1. The likely significant effects of the development are considered under the headings below which follow the order of the factors set out in Article 3 of the EIA Directive 2014/52/EU.

11.4.2. Population and Health

There is minimal population in the immediate vicinity of the development site due to its location in an area of industrial estates. However, there is a residential area at St. James's Road and St. Columba's Road to the south of the Greenhills Industrial Estate. The site is within the Electoral Divisions (ED) of Terenure St. James. EIAR Table 4.1 presents population change in Ireland, South Dublin County, the Terenure St. James ED and the settlement of Walkinstown / Greenhills (2 km catchment area) for the period 2006-2011-2016. The table identifies that the population of the Terenure St. James ED declined by 9% and the population of the Walkinstown / Greenhills area declined by 1.2% during the period 2006-2016, while the overall population of South Dublin County increased by 12.9% and the population of the Irish State increased by 12.3% during the same period. The population of the area is expected to grow in the coming years with the recent announcement of the City Edge project, which provides for the development of c. 700 ha existing industrial estates being redeveloped for mixed-use developments.

The demographic analysis indicates that c. 15.8% of the population of the Terenure St. James ED is under 18 years of age, compared to 26.2% of the state population. Similarly, approximately 36.9% of the population of the Terenure St. James ED is over 65 years of age in comparison to over 13.3% of the State population. The Dependency Ratio (those not in the workforce, aged 0-18 and over 65) is therefore c. 52.7%, which is higher than that of the State, the figure for which is 39.5%.

The construction phase of the development is likely to have a positive effect on local employment and economic activity. A 36 month construction phase is anticipated. The completed development of 633 no. residential units is expected to generate a population of c. 1,512 based on the average household size of 2.39 in the Terenure St. James ED and based on average household numbers for studio, one, two, and three-bedroom residential units. The impacts of an increase in the population within the site will be gradual during the completion of the development. The population of the development will therefore be significant and positive particularly in the context of current housing demand and taking account of the subject site's location in close proximity to public transport links.

There may be short term impacts on human health during the construction phase, such as construction noise, dust, traffic, waste generation and potential impacts on water quality, which are dealt with in the relevant EIAR chapters. The completed development is unlikely to cause any adverse impacts on the existing and future residents of the locality in terms of human health. There will be positive impacts associated with improved pedestrian and cycle permeability and increased spending power in the local economy. The development will also provide a creche, commercial units and public open spaces. The increased population will contribute to community and social infrastructure. No significant impacts on air quality or climate are envisaged. No significant cumulative impacts are envisaged.

Mitigation measures relating to health impacts are outlined in other EIAR chapters. In relation to Population, the residual impacts of a large population increase are long term and positive. For Human Health, the potential for improvements in health relate to the improved access to open space and services.

I have considered all the submissions and having regard to the above, I am satisfied that impacts predicted to arise in relation to population and human health would be

avoided, managed, and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect, or cumulative impacts in terms of population and human health.

11.4.3. Biodiversity

EIAR Chapter 5 evaluates impacts on habitats, flora, and fauna, based on site surveys comprising a habitat survey of the site on 23rd April 2021; bat surveys carried out on 23rd April 2021 and March 1st 2022 and a breeding bird survey carried out on 21st April 2021.

The development site is not within or immediately adjacent to any site that has been designated as a SAC or a SPA under the EU Habitats or EU Birds Directive, or to any nationally designated NHA/pNHA. There are 19 no. pNHAs within 15 km of the site, as listed in EIAR Table 5.5 and Figure 5.3. The only pNHAs with direct source – pathway – receptor linkages to the development site are indirect hydrological connections to the South/North Dublin Bay pNHAs, which are over 8 km away. Impacts arising from run-off during construction / operation are unlikely given the downstream distance.

The closest water body to the site is the Robinhood Stream, a small, first order tributary of the River Camac, which is located c. 270 m to the north. The main habitat present at the development site is Buildings and Artificial Surfaces, with areas of Recolonising Bare Ground, Scrub and Ornamental / non-native shrub where parts of the site have become overgrown. Several mammal trails and a fox den were observed during the site survey of April 2021. The only bird species found nesting in the warehouses and buildings at the site were Feral Pigeons with a single Wren's nest found in a small cabin indicating breeding in 2020. The habitats present at the site are assessed as of negligible value or local importance. The only habitat of ecological value at the site is the Ornamental / non-native shrub habitat located along the northern boundary. The Site is not used by badger and no invasive alien plants listed on Schedule 3 of SI No. 477 of 2011 are present. The Site is deemed to be of low biodiversity value overall.

An initial activity and emergence Bat Survey in April 2021 did not detect any bats despite ambient weather and the appropriate time of year. The lack of bat activity at

the site may be due to its location within a heavily urbanised / industrialised area with high levels of traffic, lighting and anthropogenic disturbance which would discourage bats. In addition, the site lacks commuting and foraging routes and is relatively well illuminated due to the surrounding urban landscape. The March 2022 bat survey assessed all buildings at the site internally and externally for bats, signs of bats, or evidence of bat activity. The majority were of corrugated steel and lacked bat roost potential inside including attic spaces. None of the buildings at the site were classified as 'Moderate' or 'High' suitability for bats. The trees on site had no / negligible potential for roosting bats.

Potential impacts primarily relate to the loss of the scrub habitat along the northern site boundary. This constitutes a negative, permanent, moderate impact in the absence of suitable mitigation at a local scale, due to the general lack of semi-natural habitats within the wider area. The loss of the fox den and bird habitats at the site is a negative, permanent, moderate impact. There are potential short term impacts on biodiversity during the construction phase, associated with increased noise and dust levels. Given the intervening distance and lack of direct hydrological connectivity, it is unlikely that surface water from the site will discharge to the River Camac. There is a potential operational impact associated with bird strikes at glazed areas, however, migrating species tend to commute far above the 39m maximum height of the development. Having regard to the detailed design of the development, it is considered that any local non-migratory bird species will adapt to the changing nature of the site as the construction phase progresses and therefore the risk of bird collisions is negligible, also noting that the development site is remote from any important habitats for birds (e.g., wetlands, SPAs) within a well-lit urban centre. There is potential for bat disturbance during the operational phase due to light pollution.

EIAR section 5.6 sets out proposed mitigation measures, including construction management measures, SuDS and other surface water management and landscaping. A pre-demolition bat survey is to be carried out and the lighting of the development has been designed to minimise light spill onto habitats used by the local bat population. Vegetation clearance is to be carried out outside the main bird breeding season and the fox den will not be cleared during the breeding / rearing season. The Buddleja present at the site is to be removed and measures to avoid

the introduction of invasive species will be observed. Swift boxes or bricks are to be installed.

EIAR section 5.5.4 considers potential cumulative impacts associated with other developments permitted in the vicinity, as well as relevant plans/projects and the Ringsend WWTP. No significant potential cumulative impacts are identified.

EIAR table 5.11 summarises residual impacts such that the majority of residual impacts arising from the development are negligible. Negative, permanent, slight impacts will arise at the local scale due to the loss of the fox den at the site. Positive impacts will arise as a result of the planting of hedgerows, shrub and tree species as part of development and as a result of the proposed SuDS measures.

I have considered all of the submissions and having regard to the above, I consider that the EIAR is based on adequate survey information, noting in particular the habitat surveys, bat survey and topographical information on file. Having regard to the EIAR, I am satisfied that impacts predicted to arise in relation to biodiversity would be avoided, managed, and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect, or cumulative impacts in terms of biodiversity.

11.4.4. Lands, Soil and Geology

The site slopes gradually down from west to east and north to south with a very steep, in places almost vertical ascent / descent transition at the northern boundary with Greenhills Road. The western site boundary is separated via a retaining wall, with a c. 6m level difference between the development site and the adjoining development. The development site is mostly flat at 57.0 m above Ordnance Datum (mAOD). It was historically used as a gravel quarry. The nearest Geological Heritage Site is the Greenhills Esker, c. 1.20 km to the southwest of the development. Due to the distance and to the rise in elevation, there is a negligible risk to this heritage site. There are several licensed IPPC and IED facilities in the vicinity, the nearest active IPPC licensed facility being located in the Mulcahy Keane Industrial estate, c. 150m northeast of the development. The nearest active IE licensed facility is at Ballymount Industrial Estate, c. 200m northwest of the development. These facilities are

upgradient of the development site. There are no recorded landfills or licensed waste facilities in the vicinity of the site.

Ground investigations carried out at the site in January 2021, including borehole drilling, subsoil sampling and groundwater monitoring, found tarmac and made ground underlain by clay soils with gravel deposits. Limestone bedrock was encountered at 3.1-4.5 m below ground level (bgl) with the exception of the south portion of the site where bedrock was found at 0.8-1.8 m bgl. The relevant GSI Bedrock Geology Map indicates that the site is underlain by Lower Carboniferous (Late Chadian to Asbian Stage) Limestones which is referred to as Lucan Formation, with no evidence of karstification in the vicinity. The GSI National Draft Bedrock Aquifer Map for the site indicates that it is underlain by a Locally Important Bedrock Aquifer (LI), which is described by the GSI as being “moderately productive only in local zones”. Aquifer vulnerability is classified as moderate / high at the site, reflecting the depth of bedrock within the site. There are no groundwater wells, boreholes or dug wells within the site boundary or in the immediate vicinity. The groundwater flow direction in the overburden generally follows no fixed pattern or trend, due to the low permeability of clay soils and to the presence of discontinuous gravel lenses. The regional groundwater flow direction is north towards the Walkinstown Stream. There are no sensitive receptors such as groundwater-fed wetlands, Council Water Supplies / Group Water Schemes or geological heritage sites in the surrounding regions which could be impacted by the development.

The 2021 site investigations analysed 17 no. soil samples from throughout the site for a suite of parameters relating to total pollutant content for classification of materials as hazardous or non-hazardous. The analysis did not identify any asbestos containing materials (ACMs) in any of the samples tested. All of the samples collected at the site were categorised as inert (as per Council Decision annex 2003/33/EC). There was no evidence of waste deposited on-site.

EIAR Table 6.4 presents a summary of site activities and potential associated impacts on land, soils, geology and hydrogeology. The potential impacts identified primarily relate to the site preparation, excavation, levelling and infilling activities during the construction phase. The ground works will excavate the site above bedrock level with no dewatering required. Approximately 24,008 m³ of soils will be excavated. It is anticipated that 1,200 m³ of the excavated material can be reused

onsite and c. 22,808 m³ of material will be removed from site. Approximately 5,500 m³ of clean material will be imported to the site. Details of the storage and management of spoil, aggregates and imported material are provided, as well as other construction management measures including management of potential spillages, dust emissions, and surface water runoff, to be detailed in the CEMP. It is expected that localised dewatering of the subsoils will be required during the excavation works to address perched groundwater. The completed development will result in an increased hardstanding area, which will have a minor effect on local recharge to ground, however, the impact on the overall hydrological regime is assessed as insignificant. No significant residual or cumulative impacts are identified.

I have considered all the submissions and having regard to the above, I am satisfied that impacts predicted to arise in relation to land, soil and geology would be avoided managed and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect, or cumulative impacts in terms of land, soil, and geology.

11.4.5. Water and Hydrology

The development site is within the Liffey and Dublin Bay catchment and the Camac River sub-catchment. The Walkinstown Stream is located c. 230m north of the development site and joins the Robinhood Stream which in turn discharges into the Ballymount Stream c. 1.1 km from the site. The Ballymount Stream discharges into the Camac River c. 1.4 km northwest of the development. The Camac outfalls into the River Liffey c. 4.6 km from the site, which outfalls to Dublin Bay approximately 13 km from the site. There is no hydrological connection between the site and the Camac River sub-catchment.

There is an existing surface water sewer at the access road east of the development, which continues towards the south-east direction presumably towards the Poddle River which is located c. 1.1 km south of the development site. There would be an indirect hydrological connection between the site and this open watercourse through the local surface water drainage. There is an existing foul water sewer that runs

along the southern and eastern site boundary and turns north-east, continuing towards the Walkinstown roundabout, eventually discharging to Ringsend WWTP.

The Walkinstown, Robinhood and Ballymount streams and Camac River are associated with the WFD surface waterbody Camac_040. The most recent published status (www.epa.ie – River Waterbody WFD Status 2013-2018) of this waterbody is 'Poor' and its environmental risk is qualified by the WFD as 'At Risk of not achieving good status'. This condition is due to a poor biological status (invertebrate status or potential) and moderate phosphorous conditions. The Poddle River is associated to the Poddle_010 WFD surface waterbody which has an 'Unassigned' status and a risk score of 'At Risk of not achieving good status'.

The site is located within Flood Zone C. There are no reported incidents of flooding from the Walkinstown Stream or the local drainage network.

Potential impacts on water relate to contamination during construction, including as a result of increased sediment loading in runoff and as a result of spillages. The EIAR details surface water management measures during the construction (as per the CEMP) and operational phases of the development. The construction phase does not involve any significant dewatering. The surface water drainage strategy for the completed development includes SuDS measures, noting that there are no SuDS measures at the site at present, hence lowering the strain and the pollution content on the existing public sewer notwithstanding the proposed increase in hardstanding area.

The development will connect to the existing foul sewer and public water supply. EIAR section 7.5.2 notes that the Ringsend WWTP is required to operate under an EPA licence (D0034-01) and meet environmental legislative requirements as set out in such licence. It is noted that an application for a new upgrade to this facility is currently in planning, whereby the plant is to be upgraded to a PE of 2.4 million to meet the increased demand of the Dublin area. The most recent Annual Environmental Report (AER 2020) shows it is currently operating for a PE peak loading of 2.27 million while originally designed for 1.64 million. However, the current maximum hydraulic load (832,269 m³/day) is less than the Peak hydraulic capacity as constructed (959,040 m³/day) i.e. prior to any upgrade works. These upgrade works have commenced and comprise a number of phases and are ongoing and

expected to be fully completed by 2025. The upgrade works will result in treatment of sewage to a higher quality than current, thereby ensuring effluent discharge to Dublin Bay will comply with the Urban Wastewater Treatment Directive by Q4 2023. Even without treatment at the Ringsend WWTP, the peak effluent discharge, calculated for the proposed development as 22.23 l/s (which would equate to 0.2% of the licensed discharge at Ringsend WWTP [peak hydraulic capacity]), would not have a measurable impact on the overall water quality within Dublin Bay and therefore would not have an impact on the current Water Body Status (as defined within the Water Framework Directive). It is noted that the Ringsend WWTP has experienced capacity issues during rainfall events and therefore overflows can occur following periods of heavy rainfall. These overflows occur as a result of the impact on treatment capacity during heavy rainfall events due to surges primarily caused by the historical combined drainage system in Dublin. The development will not contribute any additional stormwater drainage to the WWTP and therefore will have no measurable impact on the water quality in any overflow situation.

No significant residual impacts are predicted for the construction or operational phases. No impacts are expected on South Dublin Bay SPA / SAC / pNHA, given the potential loading and the distance from source to the designated sites. No significant cumulative impacts are identified.

I have considered all the submissions and having regard to the above, including the submission of Inland Fisheries Ireland, I am satisfied that impacts predicted to arise in relation to water would be avoided managed and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect, or cumulative impacts in terms of water.

11.4.6. Noise and Vibration

EIAR Chapter 8 considers the following matters with respect to noise impacts:

- The receiving ambient noise climate in the vicinity of the development
- Assessment of potential noise and vibration impacts associated with the development, primarily during the construction phase
- Assessment of noise from existing sources inward on the development

The baseline noise environment at the site is established by a noise survey carried out five locations in and around the site, including during night time hours. I note that the survey times do not include the hours between 01.13 and 13.45, which may not include times when the adjacent Brennan's Bakery premises is active. The primary noise sources observed related to traffic noise and steady plant noise and HGV movements at the manufacturing facility opposite. Daytime ambient noise levels ranged from 51 to 65 dB L_{Aeq} . Daytime background noise levels ranged from 46 to 61 dB L_{A90} . Night-time ambient noise levels were of the order of 47-56 dB L_{Aeq} . Night-time background noise levels were of the order of 44-47 dB L_{A90} . Night-time maximum noise levels were in the range of 55-79 dB L_{Amax} .

The closest neighbouring noise sensitive receptors to the development include dwellings c. 90m to the south of the site. The closest commercial receptors are adjacent to the eastern boundary with others located some 25m to 40m from the development site. EIAR Section 8.5 considers potential construction noise impacts on noise sensitive receptors in the vicinity with regard to thresholds established with reference to British Standard BS 5228 – 1: 2009+A1:2014: *Code of practice for noise and vibration control on construction and open sites – Noise*. The assessment predicts that the criteria for residential receptors will not be exceeded at locations greater than ~30m from construction works, noting that the nearest residential properties are c. 90m away. The predicted noise levels will exceed the criteria for commercial receptors at distances up to approximately 10 m from construction works. For the most part, commercial receptors are set back at distances greater than 10m from the works, therefore a slight construction noise impact is expected. No significant noise impacts associated with construction traffic are predicted. EIAR section 8.6 sets out proposed construction noise management measures with regard to guidance provided in BS 5228 (2009 +A1 2014) *Code of Practice for Noise and Vibration Control on Construction and Open Sites* Parts 1 and 2.

Predicted vibration levels during construction are well below guidance values provided in British Standard BS 5228-2:2009+A1:2014 *Code of practice for noise and vibration control on construction and open sites – Vibration* and below levels that would cause cosmetic damage to buildings or would disturb building occupants. While works undertaken within close proximity to the commercial receptors to the east of the site could potentially emit perceptible vibration levels, any construction

activities undertaken on the site will be required to operate below the recommended vibration threshold levels established with regard to BS 5228-2.

The inward noise impact assessment comprises an Inward Noise Risk Assessment, as detailed in section 10.5.6 above, which considers internal and external noise levels within the permitted development, with regard to recommended parameters.

The assessment does not predict any significant noise or vibration impacts in relation to the completed development, including impacts associated with traffic noise and mechanical services plant. No significant cumulative impacts are envisaged, subject to implementation of the proposed mitigation measures.

I have considered all the submissions and having regard to noise. The matter of noise impacts on the completed development associated with Brennan's Bakery, as raised in their submission, is discussed above. I am satisfied that impacts predicted to arise in relation to noise and vibration would be avoided managed and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect, or cumulative impacts in terms of noise and vibration.

11.4.7. Air Quality and Climate

The occupation of the development would not be likely to have a significant effect on climate or air quality. The construction phase could affect air quality at nearby sensitive receptors through the emission of dust. However, any such effects can be properly limited through the proposed dust mitigation measures set out in EIAR Section 9.5 and the Dust Minimisation Plan in Appendix 9.2.

I have considered all the submissions and having regard to the above, I am satisfied that impacts predicted to arise in relation to climate and air quality would be avoided managed and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect, or cumulative impacts in terms of climate and air quality.

11.4.8. Microclimate

EIAR Chapter 10 considers potential microclimate impacts associated with the completed development with regard to guidance provided in the UK Buildings Research Establishment BRE DG 520: Wind Microclimate Around Buildings and the document *Sustainable Design and Construction, The London Plan Supplementary Planning Guidance*, 2006, Mayor of London's Office and *Sustainable Design and Construction, Supplementary Planning Guidance*, April 2014. There are no expected microclimate impacts associated with the construction phase.

EIAR section 10.7 states:

As was noted above, the general pattern of wind-flow in the area upwind is likely to be above street-level (predominantly defined by the mainly 2-storey structures upwind). The proposed development will be up to 12-storeys in height, so wind incident to this structure will tend to be deflected both upwards and downwards. Based on the above it can be expected that the skimming regime will dominate, with little in the way of wind flow down to street level and therefore the proposed development is not expected to lead to elevated windspeeds at street level. Given the scale and nature of the proposed development and the existing low-rise buildings in the area, accelerated windspeeds at ground level are not expected and therefore down-draft effects at ground-level are not to be expected when the proposed development is completed.

Section 10.7 also notes that a relatively minor increase in wind speed is expected at the roof garden on the 11th storey of Block C, with no significant microclimate impacts anticipated.

No cumulative microclimate impacts are predicated with regard to the relatively low heights of the surrounding built environment.

I have considered all the submissions and having regard to the above, I am satisfied that impacts predicted to arise in relation to climate and air quality would be avoided managed and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect, or cumulative impacts in terms of microclimate impacts.

11.4.9. Utilities

EIAR Chapter 11 considers impacts on existing utility services in the vicinity comprising power and electrical supply; telecommunications; surface water infrastructure; foul drainage infrastructure and water supply. No significant impacts are predicted.

I have considered all the submissions and having regard to the above, I am satisfied that impacts predicted to arise in relation to utilities would be avoided managed and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect, or cumulative impacts in terms of utilities.

11.4.10. Waste

EIAR Chapter 12 outlines potential waste generation and proposed waste management measures for the construction and operational stages of the development, including site excavation and demolition of the existing structures and hardstanding on site. Waste generated during construction will be managed according to a proposed project specific C&D Waste Management Plan, set out in EIAR Appendix 12.1. A proposed Operational Waste Management Plan is set out in EIAR Appendix 12.2. No significant residual or cumulative impacts are predicted.

I have considered all the submissions and having regard to the above, I am satisfied that impacts predicted to arise in relation to waste would be avoided managed and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect, or cumulative impacts in terms of waste.

11.4.11. Traffic

The Board is referred to section 10.6 above in respect of movement and transport. I note that several traffic related aspects of the development remain unresolved comprising:

- The recommendation of the NTA for reduced car parking provision at this accessible location;

- The interface between the northern edge of the development and the as yet not final CBC no 9 layout including land take, loading, ground levels, boundary treatments, pedestrian and cycle facilities;
- The interaction between the proposed pedestrian/ vehicular / cycle access from Greenhills Road and the new signalised junction with the Calmount Road link as part of the CBC works;
- The interaction of the Greenhills Road access with the existing access to Greenhills Industrial Estate, which is likely to be heavily trafficked;
- The need for an additional bus stop to serve the development;

The lack of consideration in the TTA of the traffic impacts associated with Bus Connects works, in particular the new link to Calmount Road, and the consequent impacts on traffic flows in the area and on the local road network. Also no assessment of the proposed Greenhills Road Access and of impacts on the existing access to Greenhills Industrial Estate. The TTA and the EIAR are therefore considered deficient in this respect.

- The lack of detail regarding potential necessary upgrade works to the road to the south of the site within Greenhills Industrial Estate and the issue of a traffic hazard at this location associated with vehicular, pedestrian and cycle movements generated by the adjacent creche on the ground floor of Block A and conflict with HGV movements and commercial traffic associated with the industrial estate.

I have considered all the submissions and having regard to the above, I am not satisfied that impacts predicted to arise in relation to traffic would be avoided managed and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore not satisfied that the proposed development would not have any unacceptable direct, indirect, or cumulative impacts in terms of traffic.

11.4.12. Archaeology, Architectural and Cultural Heritage

The lands were in use as a gravel pit since at least the time of an Ordinance Survey (OS) map dating to 1837; historic records refer to an esker in the townland of Greenhills. The Greenhills Road was previously routed along a series of sand hills

which were quarried away in the later 19th century, and by the end of the century the only section of original ground was a ridge along which the road then passed across. The 1907 OS map indicates that almost the entire extent of the development site had been quarried by this time. The 1936 OS map indicates the site as comprising part of a larger quarry pit, with a trackway routed through the south-eastern area. Residential estates were constructed in the general area from the late 1930's into the 1940s and in the early 1950s, at which time new road infrastructure, including Walkinstown Roundabout, was constructed. A number of industrial and commercial facilities were subsequently constructed in the area. Greenhills Industrial Estate was initially developed in the early 1960s, with further expansion in the 1970s and thereafter.

11.4.13. There are no previously identified monuments of archaeological interest or features of archaeological potential interest located within the extent of the development site or in the immediate vicinity. No features of interest were noted by documentary, cartographic or aerial photographic research or by a detailed site inspection survey carried out in November 2021. The nearest recorded monument is the former site of a prehistoric Flat Cemetery (SMR Ref: DU022-002; Greenhills Td). The remains were located c. 195m from the eastern extent of the development site, which is positioned c. 115m outside the associated Zone of Archaeological Potential (Figure 14.8). The area of the former cemetery is now developed and forms part of the Mulcahy Keane Industrial Estate. A former holy well is located c. 350m to the north of the site boundary. The site itself is of low archaeological potential due to being the location of sand and gravel quarrying since the early 19th century, resulting in significant disturbance and ground reductions within the extent of the site and it is unlikely that any previously unrecorded subsurface archaeological features remain. Therefore, the development will not cause any direct impacts to any previously recorded archaeological monuments and there is no potential for the discovery of any subsurface remains of archaeological interest or associated impacts.

There are no structures listed in the Record of Protected Structures (RPS) of the development plan, or structures of Architectural Heritage interest listed by the NIAH, as being located within the development site or in the vicinity. Much of the western site boundary is formed by a townland boundary, currently defined by a concrete

wall, which will be retained. No significant impacts on historical heritage are predicted.

I have considered all the submissions and having regard to the above, in relation to Archaeology, Architectural and Cultural Heritage. I am satisfied that impacts predicted to arise in relation to cultural heritage and archaeology would be avoided managed and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect, or cumulative impacts in terms of architectural or cultural heritage and archaeology.

11.4.14. Landscape and Visual Amenity

EIAR Chapter 15 outlines the findings of the TVIA, as discussed in detail in section 10.6 above. The TVIA concludes overall that, given the current disused nature of the existing site, the development will have a positive impact on the immediate vicinity while having no significant negative visual impacts on the wider area. Mitigation measures comprise landscaping and public realm improvements including pedestrian and cycle infrastructure. No significant cumulative impacts are predicted given intervening distances to recently permitted large scale developments in the wider area. However, the above assessment concludes that the development will not make a satisfactory contribution to the public realm at Greenhills Road and will therefore result in adverse visual impacts in the immediate vicinity of the development site.

I have considered all the submissions and having regard to the above, I am not satisfied that impacts predicted to arise in relation to landscape and visual impact would be avoided managed and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore not satisfied that the proposed development would not have any unacceptable direct, indirect, or cumulative impacts in terms of landscape and visual impact.

11.4.15. Interactions

EIAR Chapter 16 examines interactions between the above factors. I have considered the interrelationships between factors and whether these might as a

whole affect the environment, even though the effects may be acceptable on an individual basis. In conclusion, I am generally satisfied that effects arising can be avoided, managed, and mitigated by the measures which form part of the proposed development, mitigation measures, and suitable conditions.

11.5. Cumulative Impacts

11.5.1. I have addressed the cumulative impacts in relation to each of the environmental factors above. I consider that the EIAR presents a comprehensive consideration of the relevant developments within the wider area where there is potential for cumulative impacts with the proposed development. In conclusion, I am satisfied that effects arising can be avoided, managed, and mitigated by the measures which form part of the proposed development, mitigation measures, and suitable conditions. There is, therefore, nothing to prevent the granting of permission on the grounds of cumulative impacts.

11.6. Reasoned Conclusion on the Significant Effects

11.6.1. Having regard to the examination of environmental information contained above, and in particular to the EIAR including EIAR Chapter 17 Mitigation and Monitoring Measures, to the supplementary information which accompanied the application, and the submissions from the planning authority, observers, and prescribed bodies in the course of the application, it is considered that the main significant direct and indirect effects of the proposed development on the environment are as follows:

- Positive impacts on population and human health due to the increase in the housing stock within the Walkinstown area.
- Biodiversity impacts, which will be mitigated by construction management measures including dust management, noise management and waste management; landscaping; measures to protect surface water quality during construction and operation including SuDS measures; bat mitigation measures; fox mitigation measures; installation of Swift boxes or bricks; lighting control measures; management of invasive flora and post construction monitoring.
- Land, Soils and Geology impacts, which will be mitigated by a Construction and Environmental Management Plan (CEMP); control of soil excavation/ infill and

export from site; fuel and chemical handling, transport and storage; and control of water during construction.

- Water impacts, which will be mitigated by construction management measures as per the CEMP; SuDS measures, surface water management and monitoring.
- Noise and Vibration impacts, which will be mitigated by best practice control measures for noise and vibration and monitoring during construction and by façade design to acoustic performance specifications in the completed development.
- Traffic and transportation impacts. As set out above, several matters remain unresolved in relation to this issue.
- Landscape and visual impacts. As set out above, I am not satisfied that the development will make a satisfactory contribution to the public realm at Greenhills Road.

11.6.2. Having regard to the above, I consider that the likely significant environmental effects arising as a consequence of the proposed development have not been satisfactorily identified, described, and assessed.

12.0 **Appropriate Assessment (AA)**

12.1. **AA Introduction**

12.1.1. This assessment has had regard to the submitted AA document, prepared by Enviroguide Consulting, dated 16th February 2022. I have had regard to the contents of same. The report concludes that the possibility of any significant effects on any European Sites arising from the proposed development are not likely to arise, whether considered on its own, or in combination with the effects of other plans or projects. The assessment is based on a site surveys carried out on 23rd April 2021, a breeding bird survey carried out on 21st April 2021, and bat surveys carried out on 21st April 2021 and 1st March 2022. I am satisfied that adequate information is provided in respect of the baseline conditions, potential impacts are clearly identified, and sound scientific information and knowledge was used.

12.2. The Project and Its Characteristics

12.2.1. See the detailed description of the proposed development in section 3.0 above.

12.3. The Development Site and Receiving Environment

12.3.1. See site description in section 2.0 above. There are no designated sites within or immediately adjacent to the development. No Annex I habitats for which European Sites within 15 km have been designated were recorded within the development site or in the immediate vicinity. The desktop study and site surveys carried out by the applicant found no records of any species or habitats within the subject lands, their immediate environs, or 2 km from the subject lands, for which European sites within 15 km are designated. No species or habitats for which European sites within 15 km are designated for were recorded during the field surveys.

12.3.2. The closest watercourse to the development site is the Robinhood Stream approximately 270m to the north, which flows into the River Camac, laying almost 1.4km north. The River Poddle is located approximately 930m south of the site. Both the River Poddle and River Camac flow into the River Liffey, and ultimately into Dublin Bay.

12.4. Stage I Appropriate Assessment

12.4.1. In determining the zone of influence, I have had regard to the nature and scale of the project, the distance from the development site to the European Sites, and any potential pathways which may exist from the development site to a European Site, aided in part by the EPA Appropriate Assessment Tool (www.epa.ie).

12.4.2. The project is not directly connected with or necessary to the management of a European Site and therefore it needs to be determined if the development is likely to have significant effects on a European site(s). There are no designated sites within or immediately adjacent to the development. The applicant's Stage I screening assessment identifies the following designated sites within 15 km of the development:

European Site (code)	Distance to Development	Qualifying Interests/ Conservation Objectives
SAC		
Glenasmole Valley SAC (001209)	6.3 km	<p>The conservation objectives for the SAC relate to the maintenance of a favourable conservation condition of the following Annex I habitats:</p> <p>Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) [6210]</p> <p>Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) [6410]</p> <p>Petrifying springs with tufa formation (Cratoneurion) [7220]</p>
Wicklow Mountains SAC (002122)	8.8 km	<p>The conservation objectives for the SAC relate to the maintenance of a favourable conservation condition of the following Annex I habitats and Annex II Species, as defined by specific attributes and targets:</p> <p>Oligotrophic waters containing very few minerals of sandy plains (Littorelletalia uniflorae) [3110]</p> <p>Natural dystrophic lakes and ponds [3160]</p> <p>Northern Atlantic wet heaths with Erica tetralix [4010]</p> <p>European dry heaths [4030]</p> <p>Alpine and Boreal heaths [4060]</p> <p>Calaminarian grasslands of the Violetalia calaminariae [6130]</p> <p>Species-rich Nardus grasslands, on siliceous substrates in mountain areas (and submountain areas, in Continental Europe) [6230]</p> <p>Blanket bogs (* if active bog) [7130]</p> <p>Siliceous scree of the montane to snow levels (Androsacetalia alpinae and Galeopsietalia ladani) [8110]</p> <p>Calcareous rocky slopes with chasmophytic vegetation [8210]</p> <p>Siliceous rocky slopes with chasmophytic vegetation [8220]</p>

		<p>Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]</p> <p>Lutra lutra (Otter) [1355]</p>
<p>South Dublin Bay SAC (001398)</p>	8.4 km	<p>The conservation objectives for the SAC relate to the maintenance of a favourable conservation condition of the following Annex I habitats, as defined by specific attributes and targets:</p> <p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Annual vegetation of drift lines [1210]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Embryonic shifting dunes [2110]</p>
<p>Rye Water Valley / Carton SAC (000206)</p>	11.4 km	<p>The conservation objectives for the SAC relate to the maintenance of a favourable conservation condition of the following Annex I habitats and Annex II Species,</p> <p>Petrifying springs with tufa formation (Cratoneurion) [7220]</p> <p>Vertigo angustior (Narrow-mouthed Whorl Snail) [1014]</p> <p>Vertigo moulinsiana (Desmoulin's Whorl Snail) [1016]</p>
<p>Knocksink Wood SAC (000725)</p>	14.0 km	<p>The conservation objectives for the SAC relate to the maintenance of a favourable conservation condition of the following Annex I habitats:</p> <p>Petrifying springs with tufa formation (Cratoneurion) [7220]</p> <p>Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0]</p>
<p>North Dublin Bay SAC (000206)</p>	11.4 km	<p>The conservation objectives for the SAC relate to the maintenance of a favourable conservation condition of condition of the following Annex I habitats and Annex II Species, as defined by specific attributes and targets:</p> <p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Annual vegetation of drift lines [1210]</p> <p>Salicornia and other annuals colonising mud and [1310]</p>

		<p>Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>) [1330]</p> <p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p> <p>Embryonic shifting dunes [2110]</p> <p>Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120]</p> <p>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p> <p>Humid dune slacks [2190]</p> <p><i>Petalophyllum ralfsii</i> (Petalwort) [1395]</p>
SPA		
Wicklow Mountains SPA (004040)	8.7 km	<p>The conservation objectives for the SPA relate to the maintenance of the bird species listed as Special Conservation Interests for the SPA:</p> <p>Merlin (<i>Falco columbarius</i>) [A098]</p> <p>Peregrine (<i>Falco peregrinus</i>) [A103]</p>
South Dublin Bay and River Tolka Estuary SPA (004024)	8.5 km	<p>The conservation objectives for the SPA relate to the maintenance of the bird species and Annex I habitat listed as Special Conservation Interests for the SPA, as defined by the specific attributes and targets:</p> <p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</p> <p>Ringed Plover (<i>Charadrius hiaticula</i>) [A137]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Knot (<i>Calidris canutus</i>) [A143]</p> <p>Sanderling (<i>Calidris alba</i>) [A144]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Roseate Tern (<i>Sterna dougallii</i>) [A192]</p>

		<p>Common Tern (<i>Sterna hirundo</i>) [A193]</p> <p>Arctic Tern (<i>Sterna paradisaea</i>) [A194]</p> <p>Wetland and Waterbirds [A999]</p>
<p>North Bull Island SPA (004006)</p>	<p>11.4 km</p>	<p>The conservation objectives for the SPA relate to the maintenance of the bird species and Annex I habitat listed as Special Conservation Interests for the SPA, as defined by the specific attributes and targets:</p> <p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Shelduck (<i>Tadorna tadorna</i>) [A048]</p> <p>Teal (<i>Anas crecca</i>) [A052]</p> <p>Pintail (<i>Anas acuta</i>) [A054]</p> <p>Shoveler (<i>Anas clypeata</i>) [A056]</p> <p>Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</p> <p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Knot (<i>Calidris canutus</i>) [A143]</p> <p>Sanderling (<i>Calidris alba</i>) [A144]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Black-tailed Godwit (<i>Limosa limosa</i>) [A156]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Curlew (<i>Numenius arquata</i>) [A160]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Turnstone (<i>Arenaria interpres</i>) [A169]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Wetland and Waterbirds [A999]</p>

12.4.24. I do not consider that any other European Sites fall within the zone of influence of the project, having regard to the distance from the development site to same, and the lack of an obvious pathway to same from the development site.

12.4.25. I consider that there is no possibility of significant effects on the following designated sites within 15 km, with regard to their conservation objectives, due to

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: I have therefore excluded them from the remainder of this AA screening.

- Gleanasmole Valley SAC (001209)
- Wicklow Mountains SAC (002122)
- Knocksink Wood SAC (000725)
- Rye Water Valley / Carton SAC (000206)
- Wicklow Mountains SPA (004040)

12.5. Potential Effects on Designated Sites

12.5.1. Having regard to the potential zone of influence and the submitted AA document, the following Natura 2000 sites are identified as lying within the potential zone of influence of the development due to potential indirect hydrological connections between the development and the European Sites in Dublin Bay via the surface water sewer network and the foul sewer network:

- South Dublin Bay SAC (000210)
- North Dublin Bay SAC (000206)
- South Dublin Bay and River Tolka Estuary SPA (004024)
- North Bull Island SPA (004006)

12.5.2. I consider that the only likely significant risks to the four European sites arise from potential construction and / or operation related surface water discharges from the development site and the potential for these effects to reach the downstream European sites. I found no evidence to the contrary in my assessment or in the contents of the submissions received. The following points are noted in this regard:

- The nature and scale of the proposed development being a moderately sized residential development on zoned and serviced land.

- The development cannot increase disturbance effects to birds in Dublin Bay given its distance from these sensitive areas. There are no sources of light or noise over and above that this is already experienced in this built-up, urbanised location.
- Habitats on the site are not suitable for regularly occurring populations of wetland or wading birds which may be features of interest of the South Dublin Bay and River Tolka Estuary SPA. The development will not lead to any decrease in the range, timing, or intensity of use of any areas within any SPA by these QI bird species. The development will not lead to the loss of any wetland habitat area within either SPA. No ex-situ impacts can occur.
- With regard to potential hydrological connections, the site is a minimum distance of 13 km upstream of the Dublin Bay designated sites. Given this hydrological distance and the estuarine / coastal mixing processes and dilution that would occur between the streams at the development site, the River Camac and these designated areas, it is unlikely that the development would lead to any significant decrease in water quality in Dublin Bay which would affect these European Sites or their qualifying interests. In addition, water quality is not a target for the maintenance of any of the QIs within either SAC of Dublin Bay. The targets relate to habitat distribution and area, as well as vegetation structure and control of negative indicator species and scrub. The development will not lead to any impacts upon these QIs, by virtue of changes to the physical structure of the habitats or to the vegetation structure which defines their favourable conservation status. I am satisfied that no significant effects will occur to the SACs or SPAs from surface water leaving the site during construction, and as a result of the distance and temporary nature of works. No significant effects to the SACs or SPAs will occur during construction or operation as pollution sources will be controlled through the use of best practice site management and standard drainage proposals including SUDS measures.
- The EIAR and Engineering Report detail standard construction management measures to control the possibility of potential pollutants exiting the site during

construction and operation (in respect of SUDs), including surface water management, material storage, waste management and other environmental management measures. These works / measures are described in the submitted EIAR as 'mitigation measures', however they could be described as a standard approach for construction works in an urban area, and it should be noted that their implementation would be necessary for a residential development on any site in order to protect the surrounding environs regardless of proximity or connections to any European Site or any intention to protect a European Site. I am satisfied that the measures outlined are typical and well proven construction methods and would be expected by any competent developer whether or not they were explicitly required by the terms and conditions of a planning permission.

- I also consider that, even if the aforementioned best practice construction management measures were not in place, the possibility of significant effects on designated sites is unlikely given the nature and scale of the development, the intervening distance between the development and the designated sites and the resultant dilution factor with regard to the conservation objectives of the relevant designated sites and habitats and species involved. I therefore do not include these measures as 'mitigation measures' for the purposes of protecting Natura sites.
- Separately, I acknowledge the submission of Inland Fisheries Ireland which recommends general construction processes to prevent water pollution, which are not sought with the intention of mitigating impacts on Natura 2000 sites. The recommended measures are generally provided for in the proposed construction management measures and are standard best practice.

12.5.3. I am therefore satisfied that there is no likelihood that pollutants arising from the proposed development either during construction or operation could reach the designated sites in sufficient concentrations to have any likely significant effects on them, in view of their qualifying interests and conservation objectives.

12.6. In Combination Effects

- 12.6.1. The expansion of the city is catered for through land use planning by the various planning authorities in the Dublin area, including the South Dublin County Development Plan 2016-2022 covering the location of the application site. This has been subject to AA by the planning authority, which concluded that its implementation would not result in significant adverse effects to the integrity of any Natura 2000 areas. I note also the development is on serviced lands in an urban area and does not constitute a significant urban development in the context of the city. As such the proposal will not generate significant demands on the existing municipal sewers for foul water and surface water. While this project will marginally add to the loadings to the municipal sewer, evidence shows that negative effects to Natura 2000 sites are not arising. Furthermore, I note upgrade works have commenced on the Ringsend Wastewater Treatment works extension permitted under ABP – PL.29N.YA0010 and the facility is currently operating under EPA licencing which was subject to AA Screening. Similarly, I note the planning authority raised no AA concerns in relation to the proposed development.
- 12.6.2. The development is not associated with any loss of semi-natural habitat or pollution which could act in a cumulative manner to result in significant negative effects to any SAC or SPA. There are no projects which can act in combination with the development which can give rise to significant effect to Natura areas within the zone of influence.

12.7. AA Conclusion and Screening Determination

- 12.7.1. In conclusion, therefore, having regard to the nature and scale of the proposed development on serviced lands, the nature of the receiving environment which comprises a built-up urban area, the distances to the nearest European sites, and the hydrological pathway considerations outlined above, it is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on any European sites, in view of the sites' Conservation Objectives, and a Stage 2 Appropriate Assessment is not therefore required.

12.7.2. In reaching this conclusion I took no account of mitigation measures intended to avoid or reduce the potentially harmful effects of the project on any European Sites.

13.0 **Conclusions and Recommendation**

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

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

Having regard to the documentation on file, the submissions and observations, the site inspection, and the assessment above, I recommend that that section 9(4)(d) of the Act of 2016 be applied and that permission for the above described development be **REFUSED** for the reasons and considerations set out below.

14.0 Recommended Board Order

Planning and Development Acts 2000 to 2019

Planning Authority: South Dublin County Council

Application for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Bord Pleanála on the 25th day of March 2022 by Hughes Planning and Development Consultants on behalf of Steeplefield Limited.

Proposed Development:

Permission for a Strategic Housing Development on lands at the former Chadwick's Builders Merchant development, South of Greenhills Road, North of the existing access road serving Greenhills Industrial Estate, Walkinstown, Dublin 12.

The development will consist of:

1. Demolition of the former Chadwick's Builders Merchant development, construction of a mixed-use Build-to-Rent residential and commercial development comprising 633 number build-to-rent apartment units (292 number one-bedroom units, 280 number two-bedroom units and 61 number three-

bedroom units, one childcare facility and ten number commercial units in four number blocks (A-D) ranging in height from five to twelve storeys as follows:

- Block A comprises 209 number apartments (102 number one-bedroom units, 106 number two-bedroom units and one number three-bedroom unit) measuring five to ten storeys in height;
- Block B comprises 121 number apartments (53 no. one-bedroom units, 45 number two-bedroom units and 23 number three-bedroom units) measuring eight to ten storeys in height.
- Block C comprises 130 number apartments (38 number one-bedroom units, 71 number two--bedroom units and 21 no. three-bedroom units) measuring eight to twelve storeys in height.
- Block D comprises 173 number apartments (99 number one-bedroom units, 58 number two-bedroom units and 16 number three-bedroom units) measuring six to ten storeys in height.

All apartments will be provided with private balconies/terraces;

2. Provision of indoor communal residential amenity / management facilities including a co-working space, communal meeting room / workspace, foyer, toilets at ground floor of Block A; gym, changing rooms, toilets, resident's lounge, studio, laundry room, communal meeting room / workspace, multi-function space with kitchen at ground floor of Block B; games room with kitchenette, media room, co-working space, residents' lounge, communal meeting room /

workspace, reception area, management office with ancillary staff room and toilets, toilets, parcel room at ground floor of Block C;

3. The construction of one childcare facility with dedicated outdoor play area located at ground floor of Block A;
4. The construction of eight number commercial units at ground floor level of Blocks A, B and D, and two number commercial units at second floor level (fronting Greenhills Road) of Block C as follows:
 - Block A has three number units at ground floor level comprising 79.46 square metres, 90.23 square metres, and 121.39 square metres;
 - Block B has one unit at ground floor level comprising 127.03 square metres;
 - Block C has two number units at second floor level comprising 120.85 square metres and 125.45 square metres, and
 - Block D has four number units at ground floor comprising 84.45 square metres, 149.77 square metres, 155.48 square metres and 275.59 square metres;
5. The construction of three number vehicular entrances; a primary entrance via vehicular ramp from the north (access from Greenhills Road) and two number secondary entrances from the south for emergency access and services access from the existing road to the south of the site with additional pedestrian accesses proposed along Greenhills Road;
6. Provision of 424 number car parking spaces comprising 398 number standard spaces, 21 number accessible spaces and five number car club spaces located at a ground floor level car park located within Block A and accessed via the proposed entrance at Greenhills Road; a two-storey car park located within Blocks C and D also accessed from the proposed entrance at Greenhills Road and on-street parking at ground floor level adjacent to Blocks A and C. Provision

of an additional 15 number commercial / unloading / drop-off on-street parking spaces at ground floor level (providing for an overall total of 439 number car parking spaces). Provision of four number dedicated motorcycle spaces at ground floor level parking area within Blocks C and D;

7. Provision of 1,363 number bicycle parking spaces comprising 1,035 number residents' bicycle spaces, five number accessible bicycle spaces and seven number cargo bicycle spaces in nine number bicycle storerooms in ground and first floor parking areas within Blocks A, C and D, and 316 number visitors' bicycle spaces located externally at ground floor level throughout the development;
8. Provision of outdoor communal amenity space (5,020 square metres) comprising landscaped courtyards including play areas, seating areas, grass areas, planting, and scented gardens located on podiums at first and second floor levels; provision of a communal amenity roof garden in Block C with seating area and planting (176 square metres); and inclusion of centrally located public open space (3,380 square metres) adjacent to Blocks B and C comprising grassed areas, planting, seating areas, play areas, water feature, flexible use space; and incidental open space / public realm;
9. The development also includes landscaping and infrastructural works, foul and surface water drainage, bin storage, ESB substations, plant rooms, boundary

treatments, internal roads, cycle paths and footpaths and all associated site works to facilitate the development.

10. The application is accompanied by an Environmental Impact Assessment Report (EIAR).

Decision:

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

Matters Considered:

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

Reasons and Considerations

1. Having regard to the relevant provisions of the South Dublin County Development Plan 2016-2022, the zoning objective REGEN and where residential development is open for consideration subject to retaining an appropriate mix of uses, and the provisions of the Guidelines for Sustainable Residential Developments in Urban Areas and the accompanying Urban Design Manual, A Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009, to accompany the Sustainable Urban Housing; Design Standards for New Apartments, Guidelines for Planning Authorities issued by the Department of

Housing, Planning and Local Government in December 2020, and the design and layout of the proposed development, it is considered that the proposed development by reason of lack of active frontages to Greenhills Road and the car dominated environment at this part of the development, the poor quality of the public realm at Greenhills Road, the potential conflict with the proposed Bus Connects Core Bus Corridor 9 Tallaght / Clondalkin to City Centre including a potential traffic hazard at the junction between the proposed Calmount Link Road and Greenhills Road and the potential traffic hazard adjacent to the childcare facility at the southern side of the development, the proposed development would be contrary to the REGEN zoning objective for the site, would contravene development plan Policy H7 Urban Design in Residential Developments, to ensure that all new residential development within the County is of high quality design and complies with Government guidance on the design of sustainable residential development and residential streets; development plan Policy H11 Residential Design and Layout, to promote a high quality of design and layout in new residential development and to ensure a high quality living environment for residents, in terms of the standard of individual dwelling units and the overall layout and appearance of the development and development plan Policy U6 Objective 2 to ensure that higher buildings in established areas take account of and respect the surrounding context. The development would also be contrary to the provisions of the “Urban Design Manual – a Best Practice Guide” issued by the Department of the Environment, Heritage and Local Government in 2009, to accompany the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, in particular Criteria no. 1 Context, 6 Distinctiveness, 7 Layout, 8 Public Realm and 12 Detailed Design. The development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. The proposed development fails to meet the criteria set out in 3.2 of SPPR 3 as set out within Urban Development and Building Heights, Guidelines for Planning Authorities, published by the Department of Housing, Planning and Local Government in December 2018, in that at both town and streetscape level, the development does not make a satisfactory contribution to the public realm at Greenhills Road, and given the potential conflict with the layout of the proposed

Bus Connects Core Bus Corridor 9 Tallaght / Clondalkin to City Centre. The proposal would, therefore, be contrary to the Urban Development and Building Heights, Guidelines for Planning Authorities, published by the Department of Housing, Planning and Local Government in December 2018, and would be, therefore, be contrary to the proper planning and sustainable development of the area.

Sarah Moran
Senior Planning Inspector
21st July 2022