



An
Bord
Pleanála

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

Inspector's Report ABP-313176-22

Strategic Housing Development

Demolition of existing structures and the construction of 977 no. residential units (20 no. houses, 957 no. apartments), creche and associated site works.

Location

Lands at the Central Mental Hospital, Dundrum Road, Dundrum, Dublin 14. (www.dundrumcentralresidential.ie)

Planning Authority

Dun Laoghaire Rathdown County Council

Applicant

Land Development Agency

Prescribed Bodies

An Taisce
Department of Housing, Local Government and Heritage

Irish Water
National Transport Authority
Transport Infrastructure Ireland

Observer(s)

Janice Horner and Christophe Henry
Ann and Owen Hickey
Annville Dundrum Road Residents
Association
Anne and Gerard Nangle
Anne and Gerry Ormond
Anne Ryan
Balinteer St. John's
Brendan McCarthy
Brian Adams
Caoimhe Proud Murphy
Cathal Cavanagh
Catherine Egan
Ciara McManus
Colm Wall
Daniel Sessions
Dave Harkin
Denis Mortell
Derek O'Callaghan
Edward and Mary Sherry
Eileen Finn and Aidan Barry
Eileen Robinson
Fergus Dunleavy
Geraldine McHugh
Guy and Laurie Easterby

Inland Fisheries Ireland
Isabel McCarthy
James Breen
Joe, Rachel, Ruairí and Ciara
O'Doherty
John Cahill and Margret Gluplker
John O'Carroll and others
Kieran Dunne and Emma Reilly
Liz Quinn
Mark Leonard
Michael Healy and Sarah Swan
Michael Lahiffe
Michael Redmond
Miriam McDonald
Mirian McGrath
Nóra Bairéad and Peter May
Patricia Collins
Patrick Egan
Roebuck Residents Association
Roisin and Paul Coyle
Rosemary Fox
Russell and Deirdre Higgs
Sean Fay
Sheila McBreen
Stan McHugh
Stephen O'Byrne
Steve Curran
Sylvie McLaughlin
Paul Crawley

Date of Site Inspection

25th October 2022

Inspector

Elaine Power

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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 in Dundrum, c.5.5km south of Dublin city centre, c. 800m north of Dundrum Village and c. 1.5km north of Dundrum Town Centre. The site is currently in use by the HSE as a high security mental health facility.
- 2.2. The site has an insular character and is visually and physically disconnected from the surrounding area by high granite walls, with a single vehicular and pedestrian access onto the Dundrum Road to the west of the site. The site is generally bound by the rear gardens of existing residential dwellings in the surrounding estates of Mulvey Park, Friarsland Road, Larchfield Road and Annaville. A public park, Rosemount Green, is located to the south of the subject site and Dundrum Road is located to the west of the subject site.
- 2.3. The site has a stated area of 9.6ha and forms part of a larger land parcel with a total area of 11.4 ha. There is an elevational difference of c. 6m within the site, with the highest point in the middle of the site falling to the edges. There are a number of mature trees, hedges and vegetation within the site.
- 2.4. The subject site generally comprises open space associated with the Central Mental Hospital and includes a Gate Lodge building, a single storey former swimming pool / sports hall and admissions building, ancillary and temporary structures including portacabins and surface car parking. The site is within the immediate setting and curtilage of a number of protected structures, namely the 'Asylum' (RPS No. 2072), the 'Catholic Chapel' (RPS No. 2071) and the 'Hospital Building' (RPS No. 2073).

3.0 Proposed Strategic Housing Development

- 3.1. The proposed development comprises a 10 year permission for the construction of 977 no. residential units comprising 940 apartments, 17 no. duplex units and 20 no.

houses arranged in 9 blocks (Blocks 02-10). These blocks generally range in height from 2 and 6 storeys, with a lower ground floor to Block 03 and Block 10, resulting in part 7 storey blocks. The blocks also incorporate private and communal open space provision and ancillary residential facilities.

- 3.2. The development also includes 3,889sqm of non-residential uses. This includes a change of use and renovation of existing single storey Gate Lodge building to provide a café unit (78sqm), 1 no. restaurant unit (307sqm) located at ground floor level of Block 03, 6 no. retail units (1,112sqm) located at ground floor level of Blocks 03 and 07, 1 no. medical unit (245sqm) located at ground floor level of Block 02, a childcare facility (463sqm) and associated outdoor play area located at ground floor level of Block 10 and a new community centre facility, including a multi-purpose hall, changing rooms, meeting rooms, storage and associated facilities (1,684sqm) located at ground and first floor level of Block 06.
- 3.3. The proposed works include demolition of a single storey former swimming pool / sports hall and admissions unit (2,750sqm), a 2-storey redbrick building (305sqm), a single storey ancillary building and temporary structures including portacabins (677sqm) and a porch and glazed screens at the existing Gate Lodge building (4sqm). The removal of existing internal sub-divisions / fencing, including removal of security fence at Dundrum Road entrance. The removal of walls adjacent to Main Hospital Building and alterations and removal of section of wall to Walled Garden.
- 3.4. Vehicular access to the site is proposed from the existing access off Dundrum Road, and a new additional access also off Dundrum Road to the south of the existing access. To facilitate the new access arrangement the works include alterations and removal of sections of the boundary wall adjacent to Dundrum Road, including removal of existing gates and entrance canopy, a reduction in height of section, widening of existing vehicular access, provision of a new vehicular, cyclist and pedestrian access. To facilitate pedestrian and cyclist accesses it is also proposed to alter / remove sections of the perimeter wall adjacent to Mulvey Park, Annville Grove and Rosemount Green (south).
- 3.5. The development also includes public open space and related play areas, hard and soft landscaping including internal roads, cycle and pedestrian routes, pathways and

boundary treatments, street furniture, wetland feature, part-basement, 547 no. car parking spaces in total, including car sharing and accessible spaces, motorcycle parking, electric vehicle charging points, bicycle parking, ESB substations, infrastructural services and connections, ducting, plant (including external plant for district heating and pumping station), waste management provision, SuDS measures, attenuation tanks, sustainability measures (including solar panels), signage, public lighting, any making good works to perimeter wall and all site development and excavation works above and below ground.

3.6. Key Development Statistics are outlined below:

	Proposed Development
Site Area	9.6 ha gross / 6.54 ha net
No. of Units	977 no. (940 no. apartments, 17 no duplex units and 20 no houses)
Unit mix	53 no. studio's - (5.5%) 423 no. 1-bed's - (43.3%) 37 no. (3-person) 2-bed's (3.8%) 320 no. (4-person) 2-beds (32.7%) 131 no. 3-bed's - (13.4%) 13 no. 4-bed's – (1.3%)
Density	150 units per ha (net)
Plot Ratio	1.11
Site Coverage	32% (including basements)
Height	Block 2: 2 - 6 storeys over partial basement Block 3: 4 - 7 storeys over partial basement Block 4: 4 - 6 storeys Block 5: 4 - 6 storeys Block 6: 2 - 4 storeys Block 7: 4 - 6 storeys Block 8: 2 - 3 storeys Block 9: 3 storeys Block 10: 4 - 7 storeys over partial basement
Dual Aspect	52% of apartment / duplex units.
Other Uses	Childcare Facility (463sqm) Medical Centre (245sqm)

	Restaurant (307sqm) Café (78sqm), 6 no. Retail / Café Units (1,112sqm) Community Facility (1,684sqm)
Public Open Space	3.05 ha / c. 32% of the total site area
Car Parking	547 no. spaces
Bicycle Parking	2,126 no. spaces

3.7. The application included the following:

- Planning Report
- Response to An Bord Pleanála Opinion
- Architectural Response to An Bord Pleanála Opinion
- Planning Statement of Consistency
- Material Contravention Statement
- Architectural Design Report
- Dundrum Central Masterplan
- Public Lighting Report
- DMURS Compatibility Statement
- Housing Quality Assessment
- Landscape Architecture and Public Realm Design Report
- Arboricultural Assessment
- Habitat Management Plan
- Appropriate Assessment Screening and Natura Impact Statement
- Environmental Impact Assessment Report – Volume 1 – Non- Technical Report Summary
- Environmental Impact Assessment Report – Volume 2 – Main Report
- Environmental Impact Assessment Report – Volume 2 - Appendices
- Environmental Impact Assessment Report – Volume 3 – LVIA Photomontages
- Daylight and Sunlight – Impact on Neighbouring Properties Report
- Daylight and Sunlight – Impact on Neighbouring Properties Report: Appendices
- Daylight and Sunlight – Transient Overshadowing Assessment
- Daylight and Sunlight – Internal Daylight, Sunlight and Overshadowing Report
- Traffic and Transport Assessment and Mobility Management Plan

- Quality Audit
- Infrastructure Report
- Perimeter Wall Condition Report
- Gate Lodge Condition Report
- Report on Stakeholder and Community Engagement
- Site Specific Flood Risk Assessment
- Construction and Environmental Management Plan
- Building Lifecycle Report
- Social Infrastructure Audit
- School Demand Assessment
- CGI Photomontages

4.0 Planning History

Subject Site

None

Surrounding Sites

- ***ABP 310138-21 Strategic Housing Application:*** Permission was granted in 2021 for the demolition of existing buildings and structures on site and the construction of 231 no. apartments and a childcare facility in 5 no. blocks with a maximum height of 10 no. storeys at Mount Saint Mary's and Joseph's Dundrum Road, c. 800m north of the subject site.
- ***ABP 309430-21 Strategic Housing Application:*** Permission was granted in 2021 for 698 no. student bedspace accommodation in 8 no. blocks with a maximum height of 7 storeys at Our Lady's Grove c. 115m east of the subject site.

5.0 Section 5 Pre-Application Consultation

- 5.1. A Section 5 pre-application virtual consultation took place on the 1st October 2021 in respect of a development of 1,259 no. residential units and 4,350sqm of non-residential uses including retail units, a medical centre, community facility and a creche. Representatives of the prospective applicant, the planning authority and An Bord Pleanála were in attendance. The main topics discussed at the meeting were –

- Development Strategy
- Architectural Heritage
- Residential Amenity
- Transportation: Access Arrangements; Permeability; Connectivity; and Parking
- Drainage with reference to network upgrades
- Parks and Landscaping

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

5.2. In the Notice of Pre-Application Consultation Opinion dated 20th October 2021 (ABP-310640-21) An Bord Pleanála stated that it was of the opinion that the documents submitted required further consideration and amendment to constitute a reasonable basis for an application for strategic housing development with regard to the following:

-

1. **Development Strategy:** Further consideration in relation to the proposed dual application strategy for the subject landholding.
2. **Design Strategy:** Further consideration and/or justification of the documents as they relate to the design strategy for the site in particular respect of the interface with the Main Hospital Building, the Chapel and Infirmary and the works and demolition of the boundary wall. The public realm with Dundrum Road and the interface with Rosemount Green.
3. **Architectural Heritage:** An Architectural Impact Assessment having regard to the impact on the proposed Protected Structures within the curtilage of the Central Mental Hospital, their character and setting
4. **Traffic and Transportation:** Further consideration and/or justification of the documents as they relate to the use of the existing vehicular access to The Central Mental Hospital and the proposed new access of Dundrum Road; the car parking strategy; and pedestrian and cycle connectivity.
5. **Residential Amenities:** Further consideration and / or justification of the documents as they relate to residential amenity, having particular regard to the potential for overlooking, overshadowing and overbearing impacts on existing adjoining residential properties and proposed residential units within the scheme.

5.3. The opinion also stated that the following specific information should be submitted with any application for permission.

1. A Housing Quality Assessment
2. A Detailed Phasing Plan.
3. A Micro-climate Analysis.
4. Response to issues raised in the PA Opinion received by An Bord Pleanála on the 23rd July 2021.
5. Address issues raised in the Irish Water Submission dated 29th July 2021.
6. A Site Specific Management Plan
7. An Archaeological Impact Assessment.
8. An Ecological Impact Assessment.
9. A Tree Survey, Trees Constraints Plan, Tree Restoration Plan and Arboricultural Assessment.
10. A draft Construction Waste Management Plan, draft Construction and Environmental Management Plan and a draft Operational Waste Management Plan.
11. Where the applicant considers that the proposed strategic housing development would materially contravene the relevant Development Plan or Local Area Plan, other than in relation to the zoning of the land, a statement indicating the plan objective(s) concerned and why permission should, nonetheless, be granted for the proposed development, having regard to a consideration specified in section 37(2)(b) of the Planning and Development Act 2000. Notices published pursuant to Section 8(1)(a) of the Act of 2016 and Article 292 (1) of the Regulations of 2017, shall refer to any such statement in the prescribed format.

5.4. A list of authorities that should be notified in the event of making an application were also advised to the applicant and included:

- Irish Water
- Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media.
- Heritage Council.
- An Taisce.
- An Comhairle Ealaíon.

- Fáilte Ireland.
- National Transport Authority
- Transport Infrastructure Ireland
- Department of Education and Skills
- Dún Laoghaire Rathdown County Childcare Committee

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

5.5.1. A statement of response to the Pre-Application Consultation Opinion was submitted as part of the Planning Report with the application, as provided for under section 8(1)(iv) of the Act of 2016. The applicant addressed the items that required further consideration and items 1-11 of the specific information to be submitted with the application. Items of note are summarised below: -

Item 1: Development Strategy

The delivery of the Masterplan for the entire land holding comprises a dual application approach, including this SHD planning application and a Section 34 planning application. Both planning application proposals have been designed to 'standalone' to enable independent assessment and implementation. It is considered that the proposed development strategy utilises a well-established statutory planning mechanism introduced to fast track to the delivery of residential development, which aligns with the LDA's remit to deliver housing.

Item 2: Design Strategy

An Architectural Design Report, inclusive of an urban design statement, has been submitted and the scheme is supported by a large array of CGIs which effectively illustrate the relationship of the proposed development with the surrounding context, including the existing buildings within the wider subject lands and Chapter 13 of the EIAR which provides a Landscape Impact Assessment. Chapter 14 of the EIAR relates to Architectural Heritage and provides a detailed assessment of the impacts of the proposed development upon the site's heritage, including an assessment upon the setting of the Main Hospital Building, the Chapel, the Infirmary and the perimeter wall. The submitted drawings and documents detail the relationship between the proposed development and the surrounding context, including the interface between the

development and Annville, Larchfield, Friarsland, Mulvey Park, Rosemount Green and Dundrum Road. The documentation submitted indicates that the proposed development would not result in significant adverse visual impacts upon the receiving environment.

Masterplan: The proposed development and/ or wider Masterplan complies with the Development Plan objectives in respect of such lands. Due to the potential for subjective interpretation surrounding compliance with the Institutional objective, two elements of the policy requirements pertaining to Institutional lands (residential density and agreement of Masterplan) are identified as potential material contraventions, and therefore addressed and justified within the Material Contravention Statement.

Building Height: The Statement of Consistency demonstrates that the proposed development, with a maximum height of 6 storeys (with 7 storeys of stacked apartments in one location at both Blocks 03 and 10, resulting in part 7 storey at those blocks), can comply with the Building Height Strategy, contained within the current Development Plan, with application of the 'upwards modifiers'. This planning application demonstrates that the proposed development satisfies the criteria set out in section 3.2 and SPPR3 of the Urban Development and Building Heights, Guidelines for Planning Authorities (December 2018). This is detailed in the Statement of Consistency, Material Contravention Statement and also referenced within the Architectural Design Report.

Housing Mix: The Statement of Consistency addresses the planning policy requirements contained within the current Development Plan. Due to the percentage of one bedroom units contained within the scheme, housing mix is also identified as a potential material contravention and therefore also addressed within the Material Contravention Statement. The proposed development responds to a demonstrable undersupply of other housing types in the area, including units suited to smaller households and provides the housing needed to deliver mix and balance, both within the site and within the surrounding area. Importantly, this also aligns with the LDA's vision to transform the subject lands into a leading example of sustainable living which delivers a mix of tenures where people of all ages can live.

Density: The proposed residential density reflects a balance between the delivery of significant housing provision, in line with the LDA's remit, and a sensitive response to the Institutional status of the lands and the associated policy requirements. This is further juxtaposed with the presence of both heritage and natural assets which has significantly influenced the site layout, including the concentration of built form in particular locations across the site so as to carefully manage the interface between new built form and the heritage buildings. The proposed development retains the open character of the lands. This includes the provision of c. 30,513sqm of public open space, extensive high quality landscaping, the retention of important landscape features such as mature trees and the walled garden.

It is considered that the proposed development represents an efficient use of land in line with national policy and provides the optimal outcome for the subject lands, especially when considered in the context of the overall Masterplan proposal.

Item 3: Architectural Heritage

Chapter 15 of the EIAR provides a detailed assessment of the potential impact of the proposed development on Architectural Heritage. Chapter 15 assesses the impact of the proposed development upon the setting of these buildings. The scheme does include intervention in respect of the perimeter wall and Gate Lodge, both identified as having value from an architectural heritage perspective. A Gate Lodge Condition Report, a Perimeter Wall Survey Report and Drawings submitted provide details of the proposed intervention.

Item 4: Traffic and Transportation:

The proposed provision of the additional vehicular access point follows concerns raised by DLRCC, regarding the insufficient nature of a single site access point. Due to adjacent lands being outside the ownership of the Applicant and / or subject to zoning objectives that would restrict the delivery of infrastructure ancillary to a residential development, the second vehicular access onto Dundrum Road was identified as the preferred option from a feasibility perspective. It is considered that the proposed vehicular access strategy is acceptable.

Chapter 5 of the Traffic and Transportation Assessment (TTA), sets out the car parking proposals. The rationale is supported by a Mobility Management Plan. The proposal also provides Car Club and Travel Club spaces to serve the residential component of the development. It is confirmed that the proposed car parking in respect of this SHD scheme is to serve the SHD scheme only. Any car parking associated with future Section 34 proposal will be contained within the associated red line boundary.

The proposed development includes a number of new pedestrian and cycle links which provide connection between the subject lands and the surrounding area. Given the current insular nature of the lands, the proposed connectivity results in a significant enhancement to permeability in the local area.

Item 5: Residential Amenities

Overlooking: The proposed development would not give rise to unacceptable overlooking impact upon Annville or Dundrum Road. Generous separation distances are also provided between the taller elements of the scheme that have potential to give rise to overlooking upon surrounding properties.

Daylight, Sunlight and Overshadowing: A detailed daylight, sunlight and overshadowing assessment has been submitted. This detailed and robust assessment demonstrates that the proposed development will not give rise to unacceptable impact upon the receiving environment.

Overbearing Impact: A sense or experience of 'overbearingness' is subjective and therefore difficult to quantify for assessment purposes. Nevertheless, the proposed separation distances and height strategy mitigate concerns in this regard. The proposed height strategy which tapers towards the site boundary together with the retention of the perimeter wall, which will continue to provide a visual boundary, would ensure that neighbouring two storey properties are not immediately adjacent to significantly taller buildings. The siting of increased height towards the centre of the site provides a sense of visual relief for neighbouring development.

5.5.2. The applicant also addressed items 1-11 of the specific information to be submitted with the application. Items of note are outlined below: -

- A Housing Quality Assessment has been submitted.

- A Detailed Phasing Plan has been submitted
- A Micro-climate Analysis is included in Chapter 16 of the submitted EIAR.
- Response to issues raised in the PA Opinion received by An Bord Pleanála is submitted as an Appendix to the Response to Opinion.
- The applicant has engaged with Irish Water and the submitted Infrastructure Report includes a letter of Design Acceptance from Irish Water.
- A Management Strategy Report has been submitted and Section 4 of the Planning Report also addresses Site Specific Management.
- An Archaeological Impact Assessment is included in Chapter 14 of the submitted EIAR.
- Chapter 8 Biodiversity is included in the submitted EIAR. It is not considered necessary to provide a standalone Ecological Impact Assessment.
- A Tree Constraints Plan, an Arboricultural Impact Assessment, a Tree Protection Plan Drawing and Arboricultural Assessment Report have been submitted.
- A Construction and Environmental Management Plan has been submitted. A Construction and Demolition Resource Waste Management Plan and Operational Waste Management Plan are provided as an appendix to Chapter 18 Waste of the submitted EIAR.
- A Material Contravention Statement has been submitted.

6.0 **Relevant Planning Policy**

6.1. ***Dun Laoghaire Rathdown County Development Plan 2022 - 2028***

The subject site is zoned Objective A: ‘to provide residential development and improve residential amenity while protecting the existing residential amenities’.

The site is subject to the specific local objective ‘INST’ which seeks ‘*to protect and / or provide for Institutional use in open lands*’.

There is also an objective on site to protect and preserve trees and woodlands. 3 no. tree symbols located on the overall Central Mental Hospital site. One is located within

the redline boundary of the subject application, at the north west portion of the site, adjacent to the existing entrance. 2 no. additional tree symbols are located adjacent to the main hospital building, which does not form part of this application.

Chapter 14 of the development plan sets out specific local objectives and these are indicated on the land use zoning maps (Map 1). The objectives relevant to the subject site are as follows: -

SLO 113: Any integration of / or connectivity between the Central Mental Hospital lands with the adjoining residential area should include the development of enhanced sporting facilities/ infrastructure for existing and future residents. This objective also relates to public open space (Rosemount) located immediately south of the subject site.

SLO 122: To allow offices in excess of 200 sq. metres in the former Central Mental Hospital buildings which are included on the Record of Protected Structures. Any application for offices in excess of 200 sq. metres shall (i)relate only to the former Mental Hospital Buildings with any extension to the building in office use to be only small ancillary structures, (ii)shall include a report that demonstrates that other suitable uses that are permitted in principle or open for consideration have been explored and that the reasons for discounting same relate to the proper planning and sustainable development of the area.

SLO 123: To ensure that, as Strategic Regeneration Sites, residential provision on the Central Mental Hospital Site and the Old Shopping Centre site will provide for a balanced mix of housing tenure, including affordable homes, and an acceptable mix of larger flexible units, and lifetime adaptable homes to ensure balanced, sustainable communities in Dundrum.

Table 2.7 of the plan indicates that housing target up to Q1 2028 is 18,515, which is reflective of the target outlined in the RESE. This equates to a population increase of 38,125. Table 2.9 of the Plan indicates that there are approx. 553.28 ha of serviced land available.

Dundrum is designated as a multifunctioning Major Town Centre. It is an objective (SLO 6) to prepare a Local Area Plan for Dundrum. The subject site is also located

within the boundary of the proposed Dundrum LAP. Chapter 7 notes that the Council is cognisant of the important role that the (Central Mental Hospital) site plays in the area and the potentially unique opportunity that it provides to contribute to both community infrastructure and quality housing provision. It further notes that in terms of pedestrian, cyclist and vehicular movements the redevelopment of the Central Mental Hospital site may necessitate the provision of additional vehicular links to the existing road network as well as integration into the surrounding pedestrian and cycle networks.

Policy Objective PHP21: Development on Institutional Lands: *It is the Policy Objective to retain the open character and/or recreational amenity of land parcels that are in institutional use (such as religious residential or other such uses) and are proposed for redevelopment.*

Section 4.3.1.4... Where no demand for an alternative institutional use is evident or foreseen, the Council may permit alternative uses subject to the zoning objectives of the area being adhered to and the open character and recreational value of the lands being retained. Where institutional lands – identified by an ‘INST’ objective on Development Plan Maps – are proposed to be developed:

- A minimum of 25% of the entire INST land parcel, as determined by the Planning Authority, will be required to be retained as accessible public open space. In determining the area to which the “INST” objective applies the planning authority shall have regard to the existing and historical land use and associations between land uses, and the extent to which any lands contribute to the open character and setting of the core institutional function.*
- This provision must be sufficient to maintain the open character of the site with development proposals structured around existing features and layout, particularly by reference to retention of trees, boundary walls and other features as considered necessary by the Council (refer also to Section 12.3.7.11).*
- The provision must be sufficient to maintain and/or improve the recreational value of the site particularly with regard to adding to the sustainable neighbourhood infrastructure of the area.*

- *Any proposal for development other than that directly related to an existing social infrastructure and/or institutional uses, will require the preparation and submission of a masterplan.*
- *Average net densities should be in the region of 35 - 50 units p/ha. In certain instances, higher densities may be permitted where it can be demonstrated that they can contribute towards the objective of retaining the open character and/or recreational amenities of the lands.*

Section 12.3.7.11 also notes that where no demand for an alternative institutional use is evident or foreseen, the Council may permit alternative uses subject to the area's zoning objectives and the open character of the lands being retained. There are still a number of large institutions in the established suburbs of the County which may be subject to redevelopment pressures in the coming years. The principal aims of any eventual redevelopment of these lands will be to achieve a sustainable amount of development while ensuring the essential setting of the lands and the integrity of the main buildings are retained. In order to promote a high standard of development a comprehensive Masterplan should accompany a planning application for institutional sites. Such a Masterplan must adequately take account of the built heritage and natural assets of a site and established recreational use patterns. Public access to all or some of the lands may be required. Every planning application lodged on institutional lands shall clearly demonstrate how they conform with the agreed Masterplan for the overall site. Should any proposed development deviate from the agreed Masterplan then a revised Masterplan shall be agreed with the Planning Authority. A minimum public open space provision of 25% of the total site area will be required on Institutional Lands. This provision must be sufficient to maintain the open character of the site - with development proposals built around existing features and layout, particularly by reference to retention of trees, boundary walls and other features as considered necessary by the Council.

Table 12.8 also sets out open space requirements for residential developments which set a minimum standard of 25% of the site area as public open space for institutional lands.

Policy Objective PHP 18: Residential Density: *It is a Policy Objective to: Increase housing (houses and apartments) supply and promote compact urban growth through*

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

Section 4.3.1.1 sets out further guidance on density.

Policy Objective PHP27: Housing Mix: *It is a Policy Objective to encourage the establishment of sustainable residential communities by ensuring that a wide variety of housing and apartment types, sizes and tenures is provided throughout the County in accordance with the provisions of the Housing Strategy and Housing Need Demand Assessment (HNDA) and any future Regional HNDA.*

Policy Objective PHP42: Building Height: *It is a Policy Objective to: Encourage high quality design of all new development. Ensure new development complies with the Building Height Strategy for the County as set out in Appendix 5 (consistent with NPO 13 of the NPF).*

The Councils Building Height Strategy is in Appendix 5.

Policy Objective HER20: Buildings of Vernacular and Heritage Interest *It is a Policy Objective to: i. Retain, where appropriate, and encourage the rehabilitation and suitable reuse of existing older buildings/structures/features which make a positive contribution to the character and appearance of the area and streetscape in preference to their demolition and redevelopment and to preserve surviving shop and pub fronts of special historical or architectural interest including signage and associated features. ii. Encourage the retention and/or reinstatement of original fabric of our historic building stock such as windows, doors, roof coverings, shopfronts, pub fronts and other significant features. iii. Ensure that appropriate materials be used to carry out any repairs to the historic fabric.*

Policy Objective HER22: Protection of Historic Street Furniture and Public Realm *It is a Policy Objective to: i. Preserve the retention of historic items of street furniture where these contribute to the character of the area, including items of a*

vernacular or local significance. ii. Promote high standards for design, materials and workmanship in public realm improvements within areas of historic character

The following are also considered to be relevant Policy Objective PHP 35: Healthy Placemaking; Policy Objective PHP37: Public Realm Design; Policy Objective T1: Integration of Land Use and Transport Policies; Policy Objective T11: Walking and Cycling; Section 12.3.5 Apartment Developments, Section 12.3.3.1 Residential Size and Mix, Table 12.1 Apartment Mix Requirements, Section 12.3.3.2 Residential Density, Section 12.8.11 Existing Trees and Hedgerows.

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

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

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

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

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

6.3. ***National Planning Framework***

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

- National Policy Objective 4: Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.
- National Policy Objective 13: In urban areas, planning and related standards, including in particular building height and car parking, will be based on performance criteria that seek to achieve well-designed high-quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.
- National Policy Objective 33: Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.
- National Policy Objective 35: Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

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

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

- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, 2020
- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Area, 2009
- Urban Development and Building Heights Guidelines, 2018

- Urban Design Manual, A Best Practice, 2009
- Design Manual for Urban Roads and Streets, 2013
- The Planning System and Flood Risk Management Guidelines, 2008

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

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

6.6. ***Material Contravention Statement***

- 6.6.1. The applicant submitted a Material Contravention Statement. The statement provides a justification for the material contravention of the Dun Laoghaire Rathdown County Development Plan 2016 - 2022 in relation to the requirement for a Masterplan in an INST context; Residential Density in an INST context; Building Height; Housing Mix; Separation Between Blocks; Internal Storage for Apartments; Floor Areas for Apartments; Private Open Space for Apartments; Dual Aspect Ratios; Car Parking; Private Open Space for Houses; and Separation Distances for Houses. The Dun Laoghaire Rathdown County Development Plan 2022 – 2028 was adopted and came into effect in April 2022 and is now the relevant statutory plan. Therefore, the potential material contraventions of the previous Dun Laoghaire Rathdown County Development Plan 2016 – 2022 are not considered relevant at this time.
- 6.6.2. Appendix B of the applicants Material Contravention Statement addressed any potential material contraventions of the Draft Dun Laoghaire Rathdown County Development Plan 2022 – 2028, in this regard the requirement For a Masterplan in an INST context; Residential Density in an INST context; Housing Mix; Separation Between Blocks; Glazing in Habitable Rooms; Car Parking; Private Open Space for Houses; Separation Distances for Houses; Number of Apartment Units per Core per Floor; and Loading Bays. As this plan has since been adopted and is the relevant statutory plan the potential material contraventions of the Dun Laoghaire Rathdown County Development Plan 2016 – 2022 are summarised below: -

Section 37(2)(b)(i)

The proposed development is nationally important as it seeks the redevelopment and optimal use of historically and nationally important state-owned lands for housing, including affordable housing. It makes a significant contribution to the delivery of national and regional policy objectives surrounding housing, consolidated and compact growth and efficient use of land.

Requirement For a Masterplan (in an INST context)

Section 12.3.8.11 'Institutional Lands' suggests that the Masterplan prepared for the lands should be agreed with the Planning Authority. The redevelopment of the site is supported by a comprehensive Masterplan and significant engagement was undertaken with DLRCC during the master-planning and SHD preparation process. However, explicit 'agreement' from DLRCC has not been provided in respect of the Masterplan proposal. However, DLRCC have outlined agreement in relation to some important components of the Masterplan proposal, including the principle of increased building height and residential density, the sensitive removal of sections of perimeter wall and the quantum and quality of open space provided.

This material contravention can be justified under Section 37(2)(b)(iv) of the Planning and Development Act, 2000 (as amended), having regard to the pattern of development and permissions granted in respect of other lands in the surrounding area.

Residential Density (in an INST context)

In the supporting text associated with Policy Objective PHP18, the Development Plan provides a general minimum net density of 35 units per hectare for new residential developments. For sites with high public transport accessibility, the Development Plan requires higher densities at a minimum of 50 units per hectare. In relation to residential density on INST sites specifically, Policy Objective PHP21 of the Development Plan states: *"Average net densities should be in the region of 35 - 50 units p/ha. In certain instances, higher densities may be permitted where it can be demonstrated that they can contribute towards the objective of retaining the open character and/or recreational amenities of the lands."*

The proposed SHD development has a gross residential density of 102 no. units per hectare. This material contravention can be justified under Section 37(2)(b)(iii) on the basis that the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2020) ('Apartment Guidelines') provides for higher densities and are Section 28 guidelines which take precedence over the Development Plan policies where conflict occurs. The Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities (2009), do not provide absolute maximum density limitations in respect of residential development, or lands deemed to be Institutional in nature.

The Apartment Guidelines are inextricably linked to the National Planning Framework (NPF). The NPF notes that the consolidation of the Dublin Metropolitan Area, will be critical to achieving the national strategic outcomes. This NPF also proposes that 50% of all new homes within the five designated cities and their suburbs are to be delivered within the existing built-up footprint of these settlements. The proposed development, which comprises a strategic regeneration landholding, will contribute significantly to the realisation of the national objectives. Given the locational characteristics, the subject site must be developed at higher densities to ensure that the efficient use of lands is achieved.

Housing Mix

Section 12.3.3.1 and associated Table 12.1 require that apartment schemes of over 50 units in existing built-up areas may include up to 80% studio, one and two bed units with no more than 30% of the overall development as a combination of one bed and studios and no more than 20% of the overall development as studios and with a minimum 20% 3+ bedroom units.

The proposed apartment mix comprises 49.5% studio and 1-bed units, which exceeds the 30% restriction on the combined total, 12.9% 3-beds which falls below the minimum requirement for 20%.

The Apartment Guidelines, take precedence over the Development Plan policies where in conflict with the SPPR's. SPPR 1 states that apartment developments may include up to 50% 1-bed or studio type units (with no more than 20 – 25% of the total proposed development as studio's) and there shall be no minimum requirement for

apartments with three or more bedrooms. The unit mix relating to the apartment component of the scheme complies in full with SPPR 1.

Glazing in Habitable Rooms

The applicant notes that Section 12.3.4.2 of the draft development plan stated that glazing to all habitable rooms should not be less than 20% of the floor area of any habitable room. The proposed development has been designed to comply with the Site Layout Planning for Daylight and Sunlight, A guide to good practice (Building Research Establishment Report, 2011) guidelines (BRE Guidelines). This accords with the requirements of the Apartment Guidelines. This material contravention can be justified under Section 37(2)(b)(iv) of the Planning and Development Act, 2000 (as amended), having regard to the pattern of development and permissions granted in respect of other lands in the surrounding area.

Car Parking

The proposed car parking provision does not comply with the standards relating to Zone 2 and 3 locations for the residential and non-residential components of the scheme. It is considered that the proposed car parking provision is supported by Section 12.4.5.2 of the Development Plan, which provides for the deviation from the car parking standards the shortfall in car parking spaces may be identified as a material contravention. The car parking provision complies with the Apartment Guidelines. On the basis that the Guidelines take precedence over any conflicting development plan policies or standards, the proposed development is acceptable.

Private Open Space for Houses

Section 12.8.3.3(i) set out standards for private rear amenity space in this regard a 3 bedroom house should have a minimum of 60sqm and a 4 bedroom (or more) house should have a minimum of 75sqm. The proposed development includes 20 no. houses with private rear gardens which have been broadly designed in line with the standards. However, a number of the gardens do not comply with the minimum standards.

The standard of residential accommodation proposed by the scheme is of a high quality, providing residents with excellent standard of residential amenity, including

excellent levels of daylight and open space. The proposed development complies with the Quality Housing for Sustainable Communities Guidelines (2007) in respect of overall standard of accommodation and quality of private open space and delivers on the objectives of national planning policy surrounding compact growth and higher density development.

Separation Distances for Houses

Section 12.8.7.1 states that a minimum standard of 22m separation between directly opposing rear first floor windows should usually be observed, for new developments. The proposed development which presents reduced separation distances in some places delivers on the objectives of national planning policy surrounding compact growth and higher density development, whilst providing a high quality environment for both future residents and neighbours. Despite the reduced separation distances, the design strategy, which includes staggered windows and indirect views, ensures that the proposed development does not give rise to unacceptable impact upon the proposed standard of accommodation or surrounding neighbouring amenity. This material contravention can be justified under Section 37(2)(b)(iv) of the Planning and Development Act, 2000 (as amended), having regard to the pattern of development and permissions granted in respect of other lands in the surrounding area.

Number of Apartment Units per Core per Floor

Section 12.3.5.6 of the Development Plan notes that a maximum of 12 apartments per floor per core may be provided in apartment schemes. There are instances in Block 05, where the number of units per core is 13. In this instance, the floors are served by two lifts and a staircase which provides for ample circulation and escape opportunities. The proposed development delivers on the objectives of national planning policy surrounding compact growth and higher density development, whilst providing a high quality environment for both future residents and neighbours.

Loading Bays

Section 12.4.5.7 requires that residential developments of more than 50 units should have at least one loading bay and there shall be a ratio of not less than 1 loading bay per 100 units in larger developments. The proposed development provides 2 no.

flexible loading bay. Despite the fact that a reduced number of loading bays are proposed, the design of the street layout and provision of ample visitor car parking spaces would facilitate home deliveries without the provision of further loading bays

The proposed development delivers on the objectives of national planning policy surrounding compact growth and higher density development, whilst providing for sustainable mobility, including reduced reliance on car use.

Conclusion

The proposed development will provide a significant and strategically important residential development, comprising 977 no. new homes. As well as responding to acute housing need, the proposed development will provide approximately 3.05 ha of public open space which has been carefully designed to serve both the new and existing communities as well as maintaining the open character and important landscape features, unique to these former Institutional lands. The redevelopment of the Central Mental Hospital lands by the LDA directly delivers legislative provisions and national and regional planning policy objectives surrounding the delivery of housing. It complies with the overarching themes of the National Planning Framework by proposing a compact, well-designed, sustainable form of residential development on an underutilised suburban site, located in close proximity to a range of social and commercial facilities and public transport services. The proposed development is also considered to align with the pattern of development in the surrounding area

The proposed development accords with the National Planning Framework (Ireland 2040 – Our Plan) (2018); Sustainable Residential Development in Urban Areas (Cities, Towns and Villages) – Guidelines for Planning Authorities (2009); Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2020); Urban Development and Building Height Guidelines (2018); and the Regional Spatial & Economic Strategy for The Eastern and Midlands Region (2019). On this basis, we conclude that the Board can grant planning permission for the proposed development having regard to Section 37(2)(b) of the Planning and Development Act, 2000 (as amended).

7.0 Third Party Submissions

7.1. 52 no. third party submissions were received. The submissions generally support the development of the site for residential development. It is noted that a number of submissions included photos / videos and illustrations. The concerns raised are summarised below: -

Principle of Development

- Concerns raised regarding the dual application process as the masterplan does not provide the detail of this future application.
- The proposed development would result in overdevelopment of the site which is contrary to the zoning objective and the institutional land use objective.
- The proposed development does not protect residential amenity and is therefore contrary to the sites zoning objective.

Design Strategy

- This is a suburban location. It is not urban as stated in the documentation.
- The proposed height is excessive at this location and does not comply with Housing (H) Policy 9 of the development plan.
- The height is a material contravention of the development plan.
- There should be a maximum of 2/3 storeys at the sites boundaries with existing residential properties and a maximum of 4/6 storeys within the scheme.
- There is an inadequate transition in scale and height. The form of development is not respectful of existing residential properties.
- The density is excessive and materially contravenes the development plan.
- The proposed scale would result in overdevelopment of the site.
- The documentation does not include a visual assessment of the impact from the surrounding residential streets or rear gardens.
- Concerns regarding the housing mix. There is a requirement for larger family units within the scheme. The proposed mix is a material contravention of the development plan.
- The dual aspect ratio is not in compliance with the development plan standard.

- Concerns are raised regarding the floor area, storage and open space requirements for the apartments.
- The daylight / sunlight assessment does not adequately address the impact of the scheme on the surrounding properties.
- There is a lack of detail regarding the structures to be demolished.
- Concerns raised over the tenure, recommended that at a maximum of 50% be provided as social homes.

Construction Phase

- Concerns regarding the 10-year permission and the impact that the construction phase would have on the adjacent community.
- The documentation does not adequately describe the impact during the construction phase, in terms of noise, vibration and dust.

Transportation

- Concerns regarding the provision of a second vehicular access onto Dundrum Road. If a second access is required it should not be onto the same road.
- There are other access / egress points onto the public road network that have not been investigated by the applicant.
- The additional access is at the narrowest part of Dundrum Road and safety concerns for pedestrians as larger vehicles manoeuvre into and out of the site.
- Public transport, cycle and road infrastructure is already under extreme pressure with the existing volume of traffic. This development should be considered in combination with previously approved developments in the area.
- The additional traffic generated could result in a traffic hazard.
- Concern regarding the traffic counts carried out during covid restrictions (mid 2020) when traffic levels were low.
- There are no bus lanes on Dundrum Road.
- While the site is in close proximity to public transport it is at capacity.
- Rosemount is not a suitable location for vehicular traffic.

- Pedestrian access onto Annaville Park / Grove is not justified and would negatively impact on existing residents. Due to its narrow width it is not suitable for additional pedestrians / cyclists and it could result in overspill car parking onto Annaville.
- Due to congestion on Dundrum Road there are concerns regarding emergency access to and from the site.
- Dundrum has no dedicated cycle infrastructure.
- Inadequate car parking has been provided to serve the scale of this scheme. The car parking proposed is a material contravention of the development plan.
- A technical note – Traffic and Transport Considerations was submitted with the observation from John Cahill and Margret Glupker.
- A Traffic and Transport Report was submitted with the observation from John O’Carroll and others.

Residential Amenity

- The proximity of the blocks to existing residential properties would negatively impact on residential amenities by way of overbearing impact.
- The applicants drawings do not clearly indicate rear extensions. The proposed development would not be a minimum of 22m from existing residential properties. This materially contravenes Sections 12.3.5.2 and 12.8.7.1 of the development plan.
- The daylight / sunlight assessment clearly indicates that the proposed development would result in undue overshadowing of existing houses.
- The daylight / sunlight assessment clearly indicates that the proposed development would negatively impact on access to sunlight for the rear amenity spaces of existing properties.
- The positioning of balconies would result in direct overlooking of existing properties.
- The submitted noise report does not include an assessment of the proposed community centre and outdoor communal areas of open space. The provision of roof terraces would result in undue noise and disturbance for adjacent residents.

- Details are required on the hours of operation of the community centre.
- The proposed scheme would devalue adjacent properties.
- The pedestrian access onto Annville will result in anti-social behaviour.
- The documentation does not provide sufficient detail regarding the operation of the proposed 'District Heat Plant' which is located in close proximity to existing residential properties.

Open Space

- Concerns regarding the loss of hedges, trees and vegetation within the site.
- Mature trees should not be felled.
- The site should include a playing pitch for local sports teams.
- The open space areas should include play spaces for older children.
- Additional screening is required at the sites boundaries.
- Not all of the proposed open space is usable. The actually useable open space is less than 25% of the site area, which would materially contravene the development plan.
- Concerns regarding the quantity of the communal open space proposed.

Ecology

- The proposed scheme would result in the loss of existing wildlife.

Built Heritage

- Concerns regarding the impact of the development on Protected Structures location within the overall site and the impact on the existing boundary wall.
- Concerns raised regarding the exclusion of the protected structures from the application. There is no assurance that these historic buildings would have appropriate security or maintenance.
- The removal of a section of the historic wall at Annville Park is questionable as it provides no additional connectivity.

Infrastructure

- Inadequate social infrastructure to accommodate the proposed population.

- Inadequate capacity within the water, foul and drainage network.

Flood Risk

- Concerns regarding flood risk from the River Slang

EIAR

- Concerns raised that the exclusion of the main hospital building from the development results in project splitting to avoid an EIAR being undertaken on the hospital building.

Inland Fisheries Ireland

- The proposed development is within the River Dodder Catchment, which is an important salmonid system. There is direct connectivity between the site and the Slang River via the current on-site drainage network. The Slang River joins the river Dodder c. 850 m north of the development site. The Development has the potential to impact directly on the Slang Stream (a salmonid channel) and subsequently to the River Dodder. Although heavily impacted by development, it is considered that the Slang as a stream with significant potential for rehabilitation. Any future development in the area should not cause any degradation of fishery habitat.
- There is direct connectivity between the current drainage network on-site to the Elm Park stream which discharges to Dublin Bay.
- It is essential that the receiving foul and storm water infrastructure has adequate capacity to accept predicted volumes from this development during construction and post construction phases with no negative repercussions for the quality of any receiving waters.
- Ringsend WWTP is currently working at or beyond its design capacity and won't be fully upgraded until 2023. It is essential that local infrastructural capacity is available to cope with increased surface and foul water generated by the proposed development in order to protect the ecological integrity of any receiving aquatic environment.

Other Issues

- Concerns are raised that there are inconsistencies, errors and omissions in some of the documentation submitted.
- Concerns that the scheme has been altered from the scheme that was shown during the public consultation.

8.0 Planning Authority Submission

8.1. The Chief Executive's Report, in accordance with the requirements of Section 8(5)(a) of the Act 2016, was received by An Bord Pleanála on the 25th May 2022. The report includes a summary of the proposed development, submissions from third-party's and prescribed bodies, relevant planning history, the site location and description and the policy context. A summary of the views of the elected members of the Dundrum Area Committee, meeting held on the 3rd May 2022. The elected members generally welcome the redevelopment of the site for housing. The main concerns, of the elected members related to insufficient public transport provision and cycle infrastructure; additional social infrastructure required; loss of trees; decision should be delayed until the LAP is completed; building height; unit mix; density; pedestrian access onto Annville should be gated; car parking provision is welcomed; and Internal roads do not comply with DMURS. Reports from the Housing Department, Drainage Planning Section, Environmental Health Officer, Transport Planning Section, Biodiversity Section, Parks and Landscape Services Section, Community and Culture Department and the Conservation Section have also been provided in Appendix A.

8.2. The key planning considerations of the Chief Executive's report are summarised below.

Principle of Development: The principle is acceptable.

Demolition Works: The majority of the buildings / structures are modern additions with no particular architectural / heritage value and no issue arises with their removal. Having regard to the findings of the Architectural Heritage chapter of the EIAR, DLR's Conservation Officer considers that the demolition is permissible subject to them being fully recorded before removal.

Walled Garden: No objective to the interventions to the walled gardens. The Conservation Officer welcomes the proposal to the Walled Garden to serve as allotments for residents. Maintaining the Walled Garden and incorporating it as part of the scheme would have a positive effect from a heritage, landscape and community perspective.

Gate Lodge: The refurbishment and reuse of the Gate Lodge is welcomed and deemed in line with good practice and consistent with Policy Objective HER20. The Conservation Officer, however, raised concerns with changes to the setting of the Gate Lodge which would see the removal of the boundary wall behind it and a significant increase in vehicular and pedestrian / cyclist movements. There are concerns that the Gate Lodge, while not a protected structure, would be entirely deprived of its character. It is considered that the section of the wall immediately to the west of the Gate Lodge, currently identified for full removal, should be retained. It is considered that keeping the wall in the vicinity of the gate lodge would be in accordance with Policy Objective HER21. This issue could be addressed by way of condition.

Perimeter Wall: The Conservation Officer raised concerns regarding the impact that the scale of interventions could have on the character of the site, and in particular on the protected structures. It is acknowledged that it is inevitable that a substantial change in the sites character will occur given the change from Mental Health Institution to a residential development. However, it is considered that no section of the wall at the boundary with Dundrum Road being kept in its current form, is deemed excessive. It is considered that there is potential for sections of the wall to be retained as they are deemed to be part of the character of the public realm at this location and subject to the provisions of Policy Objective HER22. This issue could be addressed by way of condition.

Impact on the Protected Structures: It is considered that the proposed development will have a profound impact on the character of the protected structures, however, it is not anticipated to negatively impact on the character. It is noted that works to the protected structures will form part of a separate application.

Institutional Objective: The proposed development accords with the sites Institutional Objective. No demand for an alternative institutional use is evident or

foreseen. Therefore, the proposed residential use with associated non-residential uses is permitted in principle, or open for consideration, in accordance with the sites zoning objectives.

The public open space provision is of high quality and exceeds the minimum 25% of the entire Institutional lands. The public open space provision is adequate to maintain the open character of the site and is structured around existing features and layout, particularly by reference to the historic landscape settings to the south of the Asylum Building and the Chapel and also by the retention of the Walled Garden.

On the basis of the proposed layout, height and open space provision it is considered that the density could be delivered without impacting on the open character of the lands.

The masterplan submitted is adequate to satisfy the requirements set out in the development plan for the redevelopment of Institutional lands.

Residential Density: The scheme has a net density of 149 units per ha. It is considered that this is consistent with the provisions of the 2009 Sustainable Residential Development Guidelines, the 2020 Apartment Guidelines and the Development Plan. With regard to Policy Objective PHP18 it is necessary to consider where the proposed would detrimentally impact upon existing residential amenity and the established character of the surrounding area.

Residential Amenity:

Overlooking: The requirement for a 22m separation distance generally translates to a requirement to maintain a minimum standard of 11m from first floor windows to the site boundary. The proposal generally complies with this separation distance. Regard is also had to the height of the perimeter wall which is an important element in terms of screening and protection from undue overlooking.

The scheme is located c. 10m from the boundary with Larchfield Road. The height of the boundary wall is deemed sufficient to prevent undue overlooking from ground and first floor windows. However, there are concerns of undue overlooking from secondary

windows and balconies at second and third floor levels in Block 5. It is considered this issue could be addressed by way of condition to provide appropriate screening.

Blocks 8 and 9 are less than 10m to the boundary with Annville Terrace and Park, however, it is considered that the perimeter wall provides substantial screening and it is noted that there are no rear facing windows at second floor level.

There is potential for undue overlooking within Block 10, due to directly opposing windows. Obscure glazing could result in a loss of adequate daylight / sunlight. Solutions could include, inter alia, internal alterations to floor plans or removing part of the block.

While it is noted that there is less than 22m between Blocks 7 and 8 it is considered acceptable and provision for this type of situation was envisioned in Section 12.3.5.2 which notes that in certain circumstances reduced separation distances may be acceptable.

A condition should be attached that both roof gardens at Block 6 be fitted with solid screening up to 1.8m in height.

Noise: It is considered that the operational phase would not give rise to levels of noise that would be inappropriate in a residential context within a suburban area. During the construction phase there is potential for higher noise levels on occasion, however it is considered that it would not be expected that it would occur in a manner or intensity that would be out of context or excessive in a suburban environment. It is considered that noise from the non-residential uses would be managed / prevented through control of operating houses and / or facilities management.

External Sunlight / Daylight:

On the basis of the significant impact on Annville Residents could experience as a consequence of the proposed development it is considered pertinent to recommend a condition requiring that the 3-storey building in Block 9, located to the north east of Annville Residence be omitted. This would result in a minimal reduction in the number of units potentially permitted and would allow the applicant to carry out further

investigations / amendments to provide a revised building within Block 9 as part of a subsequent application.

Overall, the proposed development would not cause material negative impacts in terms of sunlight and daylight on surrounding properties, subject to recommended conditions. The scheme is considered to be in accordance with the zoning objective and Policy Objectives PHP18 and PHP20.

Internal Sunlight / Daylight:

The PA is reasonably satisfied that the results of the assessment reflect the performance of the scheme. It is considered that increasing the number of 3-bed units and the proportion of dual aspect units, could assist in improving performance up to at least 90%.

The courtyards in Block 03 and 10 and the communal space to the west of Block 9 do not reach the BRE recommended target. It is considered that the substantial public open space provided with adequate access to sunlight and readily accessible for all residents is sufficient to compensate for these underperforming spaces.

No assessment has been carried out for the rear garden of houses in Block 2, 8 or 9. Considering the proximity to the perimeter wall there are concerns that these spaces may fail to achieve the BRE recommended targets. However, an element of compensation could be allowed on the basis of the quantity and quality of the public open space provided.

Standard of Accommodation

Unit Mix: At least 191 no. units should be 3+ beds. A condition should be attached to any grant of permission that prior to commencement of development revised floor plans be submitted showing a re-configured apartment mix that complies with the requirements of Table 12.1 of the development plan and is consistent with Policy Objective PHP27. A more appropriate housing mix could also address some concerns in terms of access to daylight and sunlight.

The units in Block 2 are designed to allow for the future adaptation of the units for age appropriate living, in accordance with Policy Objective SLO123.

It is considered that the requirement to provide 'an acceptable mix of larger flexible units' consistent with Table 12.1 is currently not being met. However, this issue could be addressed by way of condition that seeks to address the issue of unit mix.

Dual Aspect: There are instances where dual aspect apartment relies on an indent in the elevation. There are no site specific restraints that would preclude compliance with the minimum standards for dual aspect. Modifications to the units would be necessary to bring the scheme into compliance with Development Plan standards and to increase the proportion of dual aspect units to a minimum of 50%. This could be addressed by way of condition. Increasing the number of 3-bed units could also assist in increasing the number of dual aspect units.

Lift and Stair Cores: The scheme is deemed to be in line with the guidelines.

External Storage: Section 12.3.5.3 states that apartment schemes should provide external storage for bulky items outside of individual units. No external storage has been provided. It is recommended that a condition be attached in this regard.

Private Open Space: 7 no. houses fail to meet the minimum rear private open space requirements. A relaxation of the standard is deemed acceptable having regard to the provision of high quality public open space.

Public and Communal Open Space:

Public Open Space: The applicant states that the scheme incorporates 3.05ha of public open space. The areas of 608.1sqm to the west of Block 2, is deemed to be a narrow and linear space with limited capacity to provide any amenity and should not be considered in the overall calculation. However, it is not deemed to have a material impact on the overall quantity of public open space. The open space strategy is welcomed as it delivers extensive high quality open space, in accordance with the requirements of institutional lands that will provide a high level of amenity for future residents and also for the wider community. The PA is very satisfied with the quality of the spaces proposed and how these spaces integrate and relate to create a successful network of open spaces.

The communal open space exceeds the development plan standards which are reflective of the standards set out in the Apartment Guidelines. The PA are satisfied that the landscape design will create distinctive spaces that form part of a coherent open space network that is satisfactorily related to the proposed buildings and complements the public open space, which together will deliver a high level of amenity to future residents.

Existing Vegetation: It appears that the majority of trees location on the areas subject to the tree protection objective will be kept and in particular, those specimens of greater ecological value. The scheme is deemed to be compliant with the objective to protect and preserve trees and woodlands. With regard to the loss of vegetation the impact of the scheme are deemed acceptable. It is recommended that a condition be attached requiring the measures detailed in the Arboricultural Method Statement / Tree Protection Strategy and the conditions in the report of the Parks Department to be implemented in full.

Transport, Connectivity, Car and Bicycle Parking

Access and Connectivity: It is considered unfortunate that the applicant has not explored in detail the possibility of providing vehicular access to the east or south east of the site as this could assist in alleviating the burden on Dundrum Road and would significantly enhance the connectivity and permeability of the wider block. On the basis of the number, type and locations of proposed accesses, the lack of adequate connectivity with surrounding lands and concerns with the emergency access route via Dundrum Road the Transportation Section recommend that permission be refused for the proposed development.

The provision of a second access onto Dundrum Road should be restricted to pedestrians and cyclists only to ensure maximum priority is given to active travel modes.

A priority junction onto Dundrum Road is not deemed satisfactory by the Transportation Section. A singalised junction should be provided. Concerns are also made by the Transportation Section that the trip rates in the TTA are too low. Concerns that the cumulative impact of other residential schemes have not been incorporated into the applicants assessment.

The proposed scheme does not link with the footpath on Rosemount Green. The scheme fails to provide any connectivity with adjoining lands. It is considered that a contribution in accordance with Section 48(2)(c) is required to upgrade existing infrastructure in Rosemount Green to segregate the cycle path and the footpath and connect those to the infrastructure within the site. This should be fully constructed as part of phase 1.

The provision of a pedestrian and cycle access onto Annville Park is acceptable. This should be 24/7 open access to allow total permeability.

Public Transport: Discrepancies between the EIAR and the TTA with regard to the capacity of public transport are noted. However, the demand generated by the proposed scheme is deemed to be within a reasonable degree of tolerance, even if the green line was operating at 100% capacity at peak time. A number of Dublin bus stops are also located within 10 minutes from the site. The PA are reasonably satisfied that the site is well served by public transport, with high capacity, frequent service and good links to other modes of public transport.

Car Parking: A relaxation in the parking standards are deemed appropriate. However, it is considered that to allow for adequate car storage a ratio of 0.7 space per unit is pertinent for the subject site, this results in a total of 683 no. spaces, which is 194 no more than currently proposed. A condition that the applicant submit revised plans with an increased car parking provision is deemed pertinent with a view to avoid negative impacts on the surrounding road network. A workable solution would be to provide a basement level in some of the proposed blocks.

Cycle Parking: There are some concerns regarding the location and accessibility of the cycle parking spaces. These are outlined in the Transportation Section's report.

Building Height. The building height is considered to be acceptable.

Surface Water Drainage and Flood Risk: The report of the Drainage Section raised a number of issues in relation to the surface water management strategy and the SSFRA. However, it is considered that these issues could be addressed by way of condition.

Part V / Social Housing: The provision of 196 no social and affordable houses has the potential to comply with the requirements of Part V.

Childcare: The proposed facility is sufficient to accommodate future demand.

Community Facility: The provision of a community facility is in accordance with the requirements of Policy Objective PHP1. It is recommended that a condition be attached requiring details of management to be agreed with the PA.

Phasing: The landscaped area at Block 10 should be provided in phase 1 for the enjoyment of residents of Block 10 and the wider community. The early delivery of the community facility would be greatly beneficial.

There are concerns raised regarding the phasing and exclusion of works to the protected structures on site. It is recommended that a condition be attached that no more than 33% of the units be occupied before the works to the protected structure have been completed and are in active long term active use.

Materials: The use of high quality and robust materials that require minimal on-going maintenance is welcomed.

Archaeology: It is unfortunate that all surveys have not been completed prior to lodging the application.

Ecology: A condition should be attached at all mitigation measures set out in the Habitat Management Plan and those recommended by the Biodiversity Officer be fully implemented.

Development Contributions: The scheme is subject to Section 48 Development Contribution Scheme and a Section 48 (2)(c) as outlined above.

Conclusion: Having regard to the Zoning Objective 'A' of the site, the provisions of the Dun Laoghaire Rathdown County Development Plan 2022-2028, the National Planning Framework, the Regional Spatial and Economic Strategy and the Section 28 Guidelines for Planning Authorities, the Planning Authority welcomes the redevelopment of this institutional site, given that the institutional use is due to be extinguished and no alternative institutional use has been identified, and having regard

to the massing, scale and form of the proposed development and associated access and boundary treatments, it is considered that subject to conditions, the proposed development would not adversely impact on the residential amenity of adjacent properties by reason of overshadowing, overlooking or overbearing appearance. In addition, it is considered that the proposed development would not significantly detract from the character of the surrounding area and would be in accordance with relevant policy and the provisions of the Dun Laoghaire – Rathdown County Development Plan 2022-2028. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

If permission is being contemplated that planning authority have provided 60 no. recommended conditions.

9.0 Prescribed Bodies

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

- Irish Water
- Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media.
- Heritage Council.
- An Taisce.
- An Comhairle Ealaíon.
- Fáilte Ireland.
- National Transport Authority
- Transport Infrastructure Ireland
- Department of Education and Skills
- Dún Laoghaire Rathdown County Childcare Committee

The applicant notified the relevant prescribed bodies listed in the Board's Section 6(7) opinion. The letters were sent on the 30th March 2022. A summary of the comments received are summarised below:

9.2. **An Taisce:** Generally supportive of the development of the site for housing and community facilities. The concerns raised are summarised below.

- The current SHD application excludes the Heritage Buildings. The development of the whole site needs to be considered together.
- The Main Hospital Building would be adapted as an enterprise and innovation centre. Part of the purpose of the enterprise and innovation centre would be to provide places of work for residents in the new housing development on the site and thus reduce the demand for commuting to other parts of the City. The future transport capacity in the area will be severely challenged and there will be a need for the '10-minute neighbourhood' concept to be applied from the outset, not deferred to a separate planning application which might not be granted or implemented.
- There are discrepancies in the documentation as to what phase the Main Hospital Building would be re-developed.
- A condition should be attached to any grant of permission that the protected structure be completed prior to occupation of any residential units
- The EIAR at Chapter 15 does not assesses the cumulative impact on Heritage Assets, on the basis that the Main Hospital Building lies outside the redline for the SHD Development. The same applies to the Chapel. It does not appear to mention the Infirmary (RPS No. 2073). The cumulative impact assessment of the Masterplan project on the Protected Structures is required.
- Concerns raised regarding the proposed enterprise and innovation use of the heritage building.
- Precedents should not be set for large scale development on Dundrum Road until the LAP has been considered.
- Cumulative impact of recently approved schemes on the capacity of Dundrum Road and the LUAS Green Line needs to be considered.

9.3. **Irish Water**

Water: Feasible subject to upgrade (c.720m) of existing 9" CI (1936) main in Dundrum Road to 250mm ID will be required to accommodate the proposed connection.

Wastewater: Feasible subject to upgrades.

As noted in Irish Water's Confirmation of Feasibility further detailed studies and investigations were deemed necessary, to confirm the available capacity and to determine the full extent of any upgrades which may be required to be completed to Irish Water Infrastructure, prior to agreeing to the proposed connection. A study has been concluded confirming capacity, in accordance with the measures set out in the Applicant's Infrastructure Report submitted in support of the subject application.

It is noted that extensive pre-application engagement has taken place between Irish Water, DLRCC Drainage Department and the Applicant's engineering team.

9.4. **National Transport Authority:** Supportive in principle of the proposed development as it aligns with the Principles of Land Use and Transport Integration set out in the Transport Strategy.

- All non-vehicular access points should accommodate both walking and cycling, should be 4.0m wide, and should be available for general use at all times.
- The current hospital entrance should be designated as a secondary access, for use by emergency and refuse vehicles, interim construction traffic, and general traffic only in the event of an incident at the primary access/route.
- The primary vehicular access should be redesigned to provide single-lane entry from the side road, in addition to being signalised.
- The design of cycle infrastructure within the subject site merits further consideration to ensure that it aligns with the guidance in the National Cycle Manual. In particular, the design of the crossings along the length of the internal cycle route, the design of infrastructure associated with the internal road network, and the connections between the internal cycle infrastructure and the external road network should be reviewed.

9.5. **Transport Infrastructure Ireland:** No observations.

9.6. **Department of Housing, Local Government and Heritage – Development Applications Unit (DAU)**

Nature Conservation:

- The clearance of vegetation from the development site during the bird breeding season could result in the destruction of bird nests, eggs and nestlings.

- The loss of feeding habitat for wintering birds cannot be considered significant, and the development site can certainly not be considered as an important ex-situ feeding location.
- There is a direct hydrological pathway from the site to Dublin Bay. Pollution originating from the proposed development during either its development or operational phases could therefore potentially be transported by surface water runoff into the Dublin Bay Natura 2000 sites and potentially have detrimental effects on the Qualifying Interests for which they are designated. A suite of measures are set out in the NIS and the Construction Environmental Management Plan (CEMP) to be employed during the development's construction phase.
- In order to minimise the impact on bats, the proposed lighting scheme for the development scheme is to be designed to be bat friendly. A Habitat management Plan for the site has also been prepared providing for inclusion of open brickwork in the development suitable for use by bats for roosting, the erection of bat and bird boxes, and the installation of green roofs, rain gardens and areas of constructed wetland within the development in order to promote site biodiversity.

Archaeology:

In light of the work already undertaken and the suggested mitigation in the EIAR, the National Monuments Service consider that the applicant is required to engage the services of a suitably qualified, licenced Archaeologist to carry out further archaeological testing and full excavation (preservation by record). Archaeological testing shall take place in the areas that remained untested at EIAR stage; i.e. eastern portion of Area A and the entirety of Area B (as shown on Fig. 14.5, page 386 of the EIAR). No groundworks shall be undertaken in the absence of the archaeologist without his/her express consent. The submission outlines a number of Archaeological conditions that should be attached to any grant of permission.

9.7. No submissions were received from the Minister for Tourism, Culture, Arts, Gaeltacht, Sport and Media, the Heritage Council, An Comhairle Ealaíon, Fáilte Ireland, the

10.0 Oral Hearing Request

10.1. A request was received for an oral hearing. Section 18 of the Act provides that, before deciding if an oral hearing for a strategic housing development application should be held, the Board:

- (i) Shall have regard to the exceptional circumstances requiring the urgent delivery of housing as set out in the Action Plan for Housing and Homelessness, and
- (ii) Shall only hold an oral hearing if it decides, having regard to the particular circumstances of the application, that there is a compelling case for such a hearing.

10.2. In my opinion there is sufficient information on file to allow for a proper and full assessment of the case without recourse to an oral hearing. I note the observer submissions received and the contents thereof. Having regard to the information on file, to the nature of the proposed development and to the location of the development site, I do not consider that there is a compelling case for an oral hearing in this instance.

11.0 Assessment

11.1. The Board has received a planning application for a housing scheme under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016. My assessment focuses on the National Planning Framework, the Regional Economic and Spatial Strategy and all relevant Section 28 guidelines and policy context of the statutory development plan and has full regard to the chief executive's report, 3rd party observations and submission by prescribed bodies. The assessment considers and addresses the following issues: -

- Principle of Development
- Development Strategy
- Design Approach
- Building Height
- Housing Tenure and Unit Mix

- Open Space and Landscaping
- Residential Amenity
- Built Heritage
- Transportation
- Water Services and Flood Risk
- Material Contravention
- Chief Executive's Report

11.2. ***Principle of Development***

11.2.1. The site is zoned 'Objective A' with the associated land use objective *to provide residential development and improve residential amenity while protecting the existing residential amenities*. Residential, community facility, childcare service and health centre are listed as a 'permissible use' on these lands. Restaurants and shop (neighbourhood) are 'open for consideration'. Therefore, the proposed uses are considered to be in accordance with the zoning objective.

11.2.2. The site is also subject to the specific local objective 'INST' which seeks '*to protect and / or provide for Institutional use in open lands*'. Policy Objective PHP21: Development on Institutional Lands states that *it is the Policy Objective to retain the open character and/or recreational amenity of land parcels that are in institutional use (such as religious residential or other such uses) and are proposed for redevelopment*. The development plan recognises the changing nature of institutional lands and states that where no demand for an alternative institutional use is evident or foreseen, alternative uses subject to the zoning objectives of the area may be permitted. This is subject to a number of caveats. Section 4.3.1.4 of the development plan requires that proposed development on institutional lands should retain the open character and recreational value of the lands, with a minimum provision of 25% of the total site area provided as open space, with development proposals structured around existing features and layout, particularly by reference to retention of trees, boundary walls and other features. Net densities should be in the region of 35 – 50 units per hectare. In certain instances, higher densities may be permitted where it can be demonstrated that they can contribute towards the objective of retaining the open character and/or recreational amenities of the lands. Any proposal for development other than that directly related to an existing social infrastructure and/or institutional uses, will require

the preparation and submission of a masterplan. Section 12.3.7.11 of the development plan also notes that the masterplan must adequately take account of the built heritage and natural assets of a site and established recreational use patterns. Public access to all or some of the lands may be required.

- 11.2.3. Concerns have been raised by third parties that the proposed development is contrary to the site's institutional objective. It is my opinion that the main elements of the institutional designation can be summarised as: demand for an alternative institutional use; open space requirements; open character; density; and masterplan. In the interest of clarity each of these issues is addressed below.

Demand for an Alternative Institutional Use

- 11.2.4. Section 4.3.1.4 of the development plan states that *where no demand for an alternative institutional use is evident or foreseen, the Council may permit alternative uses subject to the zoning objectives of the area being adhered to and the open character and recreational value of the lands being retained.*
- 11.2.5. The applicant's Material Contravention Statement notes that the Central Mental Hospital lands are currently owned by the Office of Public Works (OPW) and occupied by the Health Service Executive (HSE) as a mental health facility and have been used in this capacity since the site was first developed in the late 1800's. The existing Central Mental Hospital will be vacated and the services and facilities will be relocated to a modern, purpose-built facility in Portrane. Therefore, there the subject site no longer required for institutional use. It is noted that the planning authority and third parties raised no concerns in this regard.
- 11.2.6. During my site visit on the 25th October 2022 it was noted that the subject site was still occupied by the HSE facility. This has impacted on the planning application and it is noted that a separate planning application is to be lodged with the Planning Authority under Section 34 of the Planning and Development Act, 2000 (as amended) to redevelop the existing Main Hospital Building (protected structure) and associated land. The concerns raised by third parties regarding the exclusion of the protected structures from the current application are addressed below in Section 10.9 Built Heritage. Notwithstanding this, I see no obvious demand for an alternative institutional use on the subject site and in accordance with Section 4.3.1.4 consider that alternative

uses may be permitted. This would be subject to other considerations, which are examined in the following sections. The planning authority also note that there is no demand for an alternative institutional use is evident or foreseen. Therefore, the proposed residential use with associated non-residential uses is permitted in principle, or open for consideration, in accordance with the sites zoning objectives.

Open Space

- 11.2.7. Section 4.3.1.4 the development plan states that a minimum of 25% of the entire INST land parcel will be required to be retained as accessible public open space. The proposed development has a total area of c. 9.6 ha. The scheme comprises c. 3.05 ha of open space, which equates to c. 32% of the total site area. The proposed quantum of open space, therefore, significantly exceeds the 25% standard set out in section 4.3.1.4.
- 11.2.8. It is noted that Section 4.3.1.4 of the development plan refers to the “entire INST land parcel”. In this regard, the overall site area is considered to comprise the entire Central Mental Hospital site which incorporates the existing Main Hospital Building. The total Central Mental Hospital site has a total area of c.11.4ha. The masterplan submitted with the application indicates that 3.7ha of public open space would be provided on the overall site. This represents over 32% of the overall lands which are subject to the INST objective. I am, therefore, satisfied that the quantum of open space is in accordance with both Section 4.3.1.4 of the development plan. The planning authority consider that the public open space provision is of high quality and exceeds the minimum 25% of the entire Institutional lands.
- 11.2.9. Third parties raised concerns that not all of the proposed open space is usable and that the useable open space is less than 25% of the site area, which would materially contravene the development plan. I agree with the planning authority that the 608.1sqm are of public open space to the west of Block 2 is incidental, with limited capacity to provide any amenity. However, I am satisfied that the proposed quantum of public open space significantly exceeds 25% of the total site area. No objection was raised by third parties or the planning authority regarding a material contravention with regard to open space.

Open Character

- 11.2.10. It is an aim of Policy Objective PHP21 to retain the open character and/or recreational amenity of land parcels that are in institutional use (such as religious residential or other such uses) and are proposed for redevelopment. Section 4.3.1.4 also states that the provision of open space *must be sufficient to maintain the open character of the site with development proposals structured around existing features and layout, particularly by reference to retention of trees, boundary walls and other features as considered necessary.*
- 11.2.11. Due to the nature of the existing use, the subject site it is inaccessible to the general public and visually disconnected from the surrounding environs by high stone walls. However, from within the site it has an open character with an historic landscape setting including landscaped gardens, a walled garden and large open fields.
- 11.2.12. The proposed scheme is designed around 5 no. areas of public open space, the Central Parkland, Entrance Plaza, Central Square, Rosemount Park and the Walled Garden. These spaces incorporate existing landscaped features, mature trees, the 'walled garden' and the sites perimeter wall. It is my view that the proposed scheme has been sensitively designed to allow for the significant redevelopment of this zoned and serviced urban site, while protecting the open character and the retention of significant features. It is my view that the areas of public open space are well connected and provide clear hierarchy of spaces with visual linkages through the site and towards the Main Hospital Building.
- 11.2.13. There is also an objective on the site to protect and preserve trees and woodlands. 3 no. tree symbols are located on the overall Central Mental Hospital site. One is located within at the north west portion of the subject site, adjacent to the existing entrance. The remaining 2 no. tree symbols are located adjacent to the main hospital building, which is outside of the red line boundary and does not form part of the current application. The Arboricultural Assessment notes that there are currently 299 no. trees, 16 no. hedges, 1 no. tree line, 1 no shrub belt and 1 no. fruit orchard within the site. Of the 299 no. trees 46 no. is category A (high quality), 57 no. are category B (moderate quality), 177 no. are category C (poor quality) and 19 no. are category U (unsustainable). To facilitate the scheme it is proposed to remove 169 no trees, which

includes 12 no. category A, 17 no. category B, 122 no. category C and 18 no. category U and 13 no. hedges and 1 no fruit orchard (20 no apple trees). It is noted that no trees would be removed from the north west portion of the site, which is subject to the objective to protect and preserve trees and woodlands.

- 11.2.14. The exact number of new trees to be provided within the site has not been provided, however, the Landscape Architectural and Public Realm Design Report provides details of the species of trees, climbers, shrubs and groundcover and native woodland mix to be provided within the site. The landscape drawings submitted also indicate the location of different species within the site and indicate where mature trees would be retained. I have examined the documentation on file, including the Arboriculture Assessment and Landscape Architecture and Public Realm Design report which sets out proposals for the adoption of controlled construction techniques and tree protection measures. I am satisfied that the potential for tree retention has been maximised as best as possible and tree loss has been mitigated by a substantial planting scheme. Having regard to the site's urban location and its zoning objective is my view that the proposed level of tree loss is reasonable and has been adequately compensated for with the quantity and quality of the proposed new trees and associated vegetation and landscaping within the site and that the proposed scheme would be in accordance with the objective to protect and preserve trees and woodlands. The preservation of these trees is also in accordance with Section 4.3.1.4 to retain trees within the site.
- 11.2.15. Having regard to the quantity and quality of the open space proposed within the scheme and the overall institutional landholding, the sites current use and the lack of existing publicly available open space within the overall institutional landholding, I am satisfied that the open character of these institutional lands is being retained and expanded as far as is reasonable.
- 11.2.16. With regard to the objective to retain recreational amenity and uses on site, the lands would have historically offered very little in the way of recreational amenity and were physically separate from the general public by high boundary walls, which remains the case today. I am, therefore, satisfied that the development of these lands would not result in any net loss of recreational amenity for the wider area.

11.2.17. Having regard to the above, it is my view that the proposed development is in accordance with Policy Objective PHP21 and Section 4.3.1.4 of the development plan. The planning authority also consider that the scheme could be delivered without impacting on the open character of the lands.

Density

11.2.18. The proposed scheme has a net density of 102 units per ha. It is noted that the planning authority consider the net density to be 149 units per ha. Section 4.3.1.4 of the development plan states that average net densities should be in the region of 35 - 50 units p/ha for lands subject to the 'INST' objective. In certain instances, higher densities may be permitted where it can be demonstrated that they can contribute towards the objective of retaining the open character and/or recreational amenities of the lands.

11.2.19. Third parties raised concerns that the proposed density is excessive and is a material contravention of the development plan. I am satisfied that Section 4.3.1.4 allows for higher density where a development contributes towards the objective of retaining the open character and/or recreational amenities of the lands. As the density range set out in Section 4.3.1.4 does not relate to a policy of the development plan. Therefore, it is my opinion that the proposed density is not a material contravention of the development plan.

11.2.20. As noted above, significant public open space is proposed as part of this development which would link to existing public open space at Rosemount Green. In my view the quantity and quality of open space would ensure that the open character of the lands is retained and enhanced. It is also noted that the planning authority consider that on the basis of the proposed layout, height and open space provision that the density could be delivered without impacting on the open character of the lands.

11.2.21. It is acknowledged that the proposed scheme has a significantly higher density than the adjoining single and 2-storey residential estates at Mulvey Park, Friarsland Road, Larchfield Road, Annville and on Dundrum Road. However, it is my view that the proposed scheme should be viewed in the context of the surrounding area which has experienced a transition from a low density, two storey suburban area to a more urban area, with a mix of different types of units with varying heights and densities recently

granted permission including ABP-310138-21 for the construction of 231 no. apartments and a childcare facility in 5 no. blocks with a density of 144 units per ha at Mount Saint Mary's and Joseph's Dundrum Road, c. 800m north of the subject site.

11.2.22. It is noted that Annville Residents, a 3-storey apartment development, is located to the south of the subject site and Frankfort Hall, also a 3-storey apartment development is located c. 200m south of the subject site, with direct frontage onto Dundrum Road. Having regard to these developments and permissions in the wider area, it is my view that the area surrounding the site (Dundrum / Churchtown / Kilmacud / Goatstown) is in transition and undergoing a major change in its profile of development and that the proposed development would reinforce that changing profile and introduce a new housing type to the vicinity.

11.2.23. Objectives 4, 13, 33 and 35 of the National Planning Framework, RPO 5.4 and RPO 5.5 of the Regional Spatial and Economic Strategy 2019-2031 and SPPR3 and SPPR4 of the Urban Development and Building Heights Guidelines, all support higher density developments in appropriate locations, to avoid the trend towards predominantly low-density commuter-driven developments. In addition, Chapter 2 of the Design Standards for New Apartments Guidelines, 2020 notes that it is necessary to significantly increase housing supply, and City and County Development Plans must appropriately reflect this and that apartments are most appropriately located within urban areas, and the scale and extent should increase in relation to proximity to public transport as well as shopping and employment locations. The apartments guidelines identify accessible urban locations as sites within a reasonable walking distance (i.e. up to 10 minutes or 800 - 1,000m) to / from high capacity urban public transport stops, such as DART or Luas. Having regard to the site's location, c. 400m from Windy Arbour Luas Stop and c. 800m from Dundrum Luas stop and its proximity to urban centres, employment locations and urban amenities it is my opinion that the proposed increased scale of the proposed development complies with national guidance and, therefore, is suitable for higher density.

11.2.24. In conclusion, it is my view that the proposed density is appropriate in this instance having regard to national and regional policy, the relatively recent permissions in the vicinity of the site, the area's changing context, and proximity to public transport, centres of employment and education and to a range of services and amenity. It is

also noted that the planning authority raised no objection in principle to the proposed density.

Masterplan

11.2.25. Section 4.3.1.4 of the development plan states that any proposal for development other than that directly related to an existing social infrastructure and/or institutional uses, will require the preparation and submission of a masterplan. Section 12.3.7.11 further states that such a Masterplan must adequately take account of the built heritage and natural assets of a site and established recreational use patterns. Public access to all or some of the lands may be required. A masterplan was submitted with the application and includes an overall site layout plan for the entire landholding that is subject to the INST objective. This includes the Main Hospital Building (protected structure) which does not form part of this application. The masterplan indicates the relationship between the proposed development and the existing built and natural heritage on the site and adjacent to the site. The Masterplan states that while there has been collaboration with the planning authority the masterplan has not been adopted or agreed with the local authority. It is my opinion that the requirements of Section 4.3.1.4 are satisfied and it is noted that the planning authority consider that the masterplan is adequate to satisfy the requirements set out in the development plan for the redevelopment of Institutional lands.

Conclusion

11.2.26. The concerns of the third parties are noted. However, I am satisfied the proposed development accords with the sites Institutional Objective with regard to alternative institutional use; open space requirements; open character; density; and masterplan. It is noted that the planning authority are satisfied that the proposed development accords with the sites Institutional Objective. It is also my view that the development of the site would significantly contribute to the consolidation of the urban environment and the areas of public open space would provide a benefit to the wider community as it would be accessible to the general public for the first time.

11.3. ***Development Strategy***

- 11.3.1. A masterplan submitted with the application indicates that the overall land parcel (11.4ha) would accommodate 1,048 no. residential units, c. 4,200sqm of commercial / community / amenity space and a 5,200sqm enterprise and innovation centre and would include the re-use of protected structures on site.
- 11.3.2. The proposed development comprises the construction of 977 no. residential units and c. 3,889sqm of commercial / community uses in 9 no. blocks (02 -10) on a 9.6 ha site and incorporates the existing Gate Lodge building at the sites north west corner, adjacent to the existing access. The subject site excludes a parcel of land in the north central and north eastern portions of the site. This area generally contains the existing HSE facility and includes the 'Catholic Chapel' (RPS No. 2071), the 'Asylum' (RPS No. 2072), the 'Hospital Building' (RPS No. 2073), the Workshops and the Coach House. It is noted that this area would be subject to a separated planning application made to the planning authority under Section 34 of the Planning and Development Act, 2000 (as amended). The information submitted in the applicant Planning Report indicates that this application would be for 3 no. Blocks (01, 11 and 12) and could comprises the demolition of existing structures (3,101sqm), change of use of the Main Hospital (5,266sqm), Chapel (107sqm), Infirmary (158sqm), Coach House (35sqm), Farm Buildings (246sqm) and Workshops (151sqm) to provide enterprise, community, residential and storage uses. This element of the scheme would incorporate 71 no. residential units with 62 no car parking spaces.
- 11.3.3. Concerns are raised by third parties, An Taisce and the planning authority regarding the exclusion of the protected structures from the current application and the potential for these buildings to fall into disrepair. I agree that the comprehensive re-development of the site would be preferable to ensure the appropriate re-use of the protected structures and the development of the overall site. From the information submitted it would appear that the applicant has given significant consideration to the comprehensive redevelopment of the site. It is noted that the proposed development strategy is largely influenced by the SHD legislative provisions which limit the quantum of non-residential floorspace that can be applied for. In addition, the preparation and submission of a planning application for the protected structures on site has been constrained by the delayed vacation of the Central Mental Hospital complex by the HSE and associated service users. This has resulted in restricted access to the main

hospital building for the detailed survey work that is required to support an application. It was noted during my site visit on the 25th October 2022 that the site is still fully occupied by the HSE. The development strategy, which prioritises the residential element of the scheme is also justified with regard to the LDA's remit to deliver a significant number of new homes.

- 11.3.4. Having regard to the information submitted I am satisfied that the application demonstrates a commitment to the long term adaption and reuse of the protected structures and the re-development of the overall site and that the proposed development strategy is justified having regard to the existing uses within the site. It is noted that both planning application proposals have been designed as 'standalone' developments. The potential impact of the development on the setting of the protected structures is addressed below in Section 10.9 Built Heritage.

11.4. ***Design Approach***

- 11.4.1. The proposed scheme represents the significant redevelopment of a unique brownfield site within the urban area. The proposed scheme has a contemporary design approach, with 9 no. urban blocks (Blocks 02-10) centred around areas of public open space. The proposed blocks range in height from 2 – 7 storeys and vary in scale and mass to respond to the surrounding properties and interface with Dundrum Road, with the taller buildings located away from the sites sensitive boundaries. The layout also includes 3 no. additional pedestrian and cycle linkages to Dundrum Road and Annville to the west and Rosemount Green to the south.
- 11.4.2. The proposed development comprises the construction of 977 no. residential units and c. 3,889sqm of commercial / community uses on a 9.6 ha site and incorporates the existing Gate Lodge building at the sites north west corner, adjacent to the existing access. Although the Main Hospital Building does not form part of this planning application the layout of the scheme has been designed to retain the setting and views to and from the protected structures, which includes the retention and expansion of significant areas of open space. A detailed assessment of the impact on the protected structures is addressed below in Section 10.9 Built Heritage. The blocks (02, 04, 05, 06, 08, 09 and 10) generally run along the sites southern, eastern and western boundaries with Blocks 03 and 07 located in the centre of the site, to the south of the

Main Hospital Building. A breakdown of each block is provided below. The impact of the scheme on residential amenities is addressed in Section 10.6.

- 11.4.3. **Block 02** is located in the north eastern portion of the site, c. 20m east of the Main Hospital Building, c. 20m south of the farm buildings and c.3m west of the rear gardens on Friarsland Road. Block 02 is broken into a number of elements comprising 7 no. houses and 127 no. apartments / duplex units with a medical centre. Car parking is provided at lower ground floor level with 791sqm of communal open space at podium (ground floor) level above. The block ranges in height from 2 – 6 storeys (including the lower ground floor area). There is an area of public open space proposed to the south of the Block, which connects to the existing walled garden, which is to be retained.
- 11.4.4. **Block 04** is located in the south east corner of the site to the south of the retained walled garden. It is a U-shaped block ranging in height from 4 – 7 storeys (including the lower ground floor level). It accommodates 104 no. apartments. Car parking is provided at lower ground floor level with 508sqm of communal open space at podium (ground floor) level above. The eastern elevation of the block is located c. 11m from the boundary with the rear gardens of existing dwellings on Friarsland Road and the southern elevation is also located a minimum of 11m from the bound with the rear gardens of existing dwellings on Larchfield Road.
- 11.4.5. **Block 05** is located at the sites southern boundary, to the west of Block 04. It is a U-shaped block comprising 118 no. apartments. The block ranges in height from 4 – 6 storeys. Car parking is provided in the central courtyard at ground floor level, with a 700sqm of communal open space provided at podium level (first floor level) above. It is located a minimum of c. 10m from the sites southern boundary with the rear gardens of houses on Larchfield Road. An area of public open space (Central Square) is located to the west of Block 05. It is proposed to remove a section of the sites boundary wall to link with Rosemount Green (public open space) to the south of the subject site.
- 11.4.6. **Block 06** is located at the south eastern corner of the site, to the west of the area of public open space and Block 05. This block is rectangular in shape and ranges in height from 2 – 4 storeys. It accommodates 43 no. apartments with community use (multi-purpose hall and 2 no. community rooms) at ground floor level. The western

elevation of the block is located a minimum of c. 21m from the boundary wall with Annville.

- 11.4.7. **Block 08:** is located along the sites western boundary with Annville, to the north of Block 06. It comprises 25 no. units arranged in 4 no. terraces. Block 8 is located a minimum of 7.5m from the sites western boundary with Annville. **Block 09** is a continuation of Block 08 and is located to the south of the proposed new access road. It comprises 23 no. units arranged in 4 no. terraces. Blocks 08 and 09 are predominantly 3 storeys in height.
- 11.4.8. **Block 10** is located in the western portion of the site, adjacent to the sites boundary with Dundrum Road. This block comprises 4 distinct elements and comprises 158 no. apartments and a creche at ground floor level. The block ranges in height from 4 – 7 storeys (including lower ground floor level). Car parking is provided in the central courtyard at lower ground floor level, with 1,006sqm of communal open space provided at podium level (ground floor level) above.
- 11.4.9. **Blocks 03 and 07** are located in the centre of the scheme, to the south of the Main Hospital Building. A public plaza is proposed between the blocks, which would provide a physical and visual link to the Central park land to the south of the protected structures and to the Community Park to the south, which connects to the existing Rosemount Green.
- 11.4.10. **Block 03** is a square shaped block, ranging in height from 4 – 7 storeys (including lower ground floor level) and accommodates 161 no. apartments and 3 no. retail and 1 no. restaurant unit at ground floor level. Car parking is provided in the central courtyard at lower ground floor level, with 878sqm of communal open space provided at podium level (ground floor level) above.
- 11.4.11. **Block 07** comprises 2 distinct elements. It is generally a square shaped block. It ranges from 4 – 6 storeys in height and accommodates 211 no apartments and 4 no. retail units at ground floor level. Car parking is provided in the central courtyard at ground floor level, with 1,612sqm of communal open space provided at podium level (first floor level) above.

- 11.4.12. The scheme also incorporates works to the existing Gate Lodge in the sites north western corner, adjacent to the existing entrance. This building is a single storey structure that currently in use as a reception area for visitors to the site. It is proposed to remove the 4sqm extension / lean-to and provide a café use within the building.
- 11.4.13. Each block has a similar contemporary design approach and would be predominantly finished in a variety of brick details of the external materials are provided in Appendix A of the Architectural Design Report. It is my opinion that the variation in brick colour between the blocks complement each other and the protected structures on site. Therefore, I have no objection to the proposed brick finish, which I consider to be a robust and durable material.
- 11.4.14. In my view that the scheme provides an appropriate transition in scale and height from the site's sensitive boundaries with existing residential properties and the protected structures to within the northern portion of the overall masterplan lands, and that the scale and heights are appropriate at this urban site. The scheme would help to create a distinct character for the site, which would aid with placemaking and legibility, and would open up a site which is currently isolated from the surrounding area.
- 11.4.15. As outlined above the scheme also incorporates c. 3,889sqm of non-residential uses. These non-residential uses are generally provided at the ground floor level throughout the scheme and comprise a Café (78sqm) at the gate lodge, Childcare Facility (463sqm) in Block 10, Medical Centre (245sqm) in Block 2, Restaurant (307sqm) and 2no. retail units (301sqm) in Block 3 and 4no. no. retail (810sqm) in Block 7 and a Community Facility (1,684sqm) in Block 6. It is noted that the retail / restaurant uses in Blocks 3 and 7 directly oppose each other and front onto the proposed public plaza. The community use in Block 6 is provided at ground and first floor level and fronts onto the proposed public park and Rosemount Green. It is noted that the planning authority welcome the provision of a community facility within the site and consider it to be in accordance with the requirements of Policy Objective PHP1 to ensure the residential development is delivered in tandem with sustainable neighbourhood infrastructure. It is my view that an appropriate mix on non-residential uses have been provided for a scheme of this scale and that their location throughout the development would result in an active ground floor use which would allow for passive surveillance of the areas of public open space. It is also noted that the blocks incorporate own door ground floor

units, which would also add to the passive surveillance and active street frontage within the scheme.

- 11.4.16. Policy Objective SLO 123 of the development plan, aims to ensure that residential provision on the Central Mental Hospital Site provides for an acceptable mix of larger flexible units, and lifetime adaptable homes to ensure balanced. The Architectural Design Statement notes that the units in Block 02 have been designed to allow for future adaptation for age appropriate living with a mixture of own-door accessible one- and two-bedroom apartment units and three bedroom houses. I am satisfied that this is in accordance with Policy Objective SLO123.
- 11.4.17. The proposed development comprises a 10 year permission. It is noted that concerns were raised by third parties regarding the duration of the permission. However, having regard to the nature and scale of the proposed development it is my view that the proposed 10 year validity is appropriate in this instance. It is envisioned that the scheme would be developed in 5 no. phases. Phase 1 comprises Block 10 in the western portion of the site, adjacent to Dundrum Road; Phase 2 comprises Block 2 in the north eastern portion of the site and the area of Central Open space to the south of the Protected Structures; Phase 3 comprises Blocks 03, 04 and 05; Phase 4 comprises Blocks 06 and 07; and Phase 5 comprises Blocks 08 and 09. Section 8 of the Construction Management Plan indicates that construction would be carried out over c. 6 years and 2 months. The planning authority recommended that the landscaped area at Block 10 be provided in phase 1 for the enjoyment of residents of Block 10 and the wider community. I agree with the planning authority that the early delivery of the community facility would be greatly beneficial to the future and existing residents. It is my view that this could be addressed by way of condition. Therefore, it is recommended that a condition be attached that the final details of the phasing be agreed with the planning authority.
- 11.4.18. A Schedule of Accommodation was submitted with the application. The proposed apartment / duplex units reach and exceed the minimum standards for room sizes as set out in the Apartment Guidelines (2020) and the 20 no. houses reach and exceed the minimum standards for room sizes as set out in the Quality Housing for Sustainable Communities Guidance (2007). Third parties raised concerns that the ratio of dual aspect units is not in accordance with development plan standards. Section 12.3.5.1

of the plan states that there shall be a minimum of 50% dual aspect apartments. The Housing Quality Assessment Report noted that 491 no. (52%) apartment / duplex units are dual aspect. This is significantly above the 33% standard set out in SPPR4 of the Apartment Guidance and it is noted that each blocks achieves a minimum of 50% dual aspect units. I have no objection to the ratio of dual aspect units.

11.4.19. Section 12.3.5.3 of the development plan states that apartment schemes should provide external storage for bulky items outside individual unit in addition to the minimum apartment storage requirements. These storage units should be secure, at ground floor level, in close proximity to the entrance to the apartment block and allocated to each individual apartment unit. It is noted that concerns were raised by the planning authority regarding external storage for apartments units. While the provision of additional storage for the units would improve future residential amenity it noted that more than 50% of the apartments are more than 10% greater than the minimum floor space required in the apartment guidelines. Therefore, I am satisfied that there is adequate space within in each unit for storage.

11.4.20. The concerns of the third party that the proposed scheme is out of character with the area is noted. However, it is my view that the proposed development would result in the creation of a new high quality distinct urban quarter which complements the historical architectural legacy of the Central Mental Hospital site with wider benefits, such as the delivery of a significant quantum of housing, the provision of public open space, the opening up of the site via connectivity to adjacent streets and Rosemount Green. I am satisfied that the form, massing and height of the blocks, the relationship between the blocks and the proposed the hierarchy of streets and open spaces results in a high quality and coherent urban scheme that would have a significant positive impact on the consolidation of the urban environment, which in my view is welcomed.

11.5. ***Building Height***

11.5.1. The proposed scheme ranges in height from 2 - 7 storeys. It is noted that in some of the applicants documentation the height is stated as 6-storeys. However, it is noted that this excludes the lower ground floor level at Blocks 03 and 10. A Landscape and Visual Impact Assessment (LVIA) forms part of the EIAR (Chapter 13). It includes 17 no. verified views of the scheme from outside the scheme. The submitted views /

photomontages provide a comparison of the existing site and the proposed development. I am satisfied that the applicants submitted photomontages provide a comprehensive and reasonable representation of how the proposed development would appear to allow for a full assessment of the potential impact.

- 11.5.2. Section 13.2 of the EIAR outlines the methodology for the LVIA. There are 5 no categories of Landscape Value and Sensitivity and of Magnitude of Change. These are Very High, High, Medium, Low and Negligible. The significance of the impact is based on a balance between the sensitivity of the landscape receptor and the magnitude of change. The significance can be Profound, Substantial, Moderate, Slight, Minor or Imperceptible. Full details of these categories are provided within Chapter 13 of the EIAR.
- 11.5.3. The LVIA considers that the sensitivity of the receptors is generally medium / low. Of the 17 no. views assessed the LVIA considers that during the construction stage the effects would be Moderate and Negative. However, once operational, the proposed development would be moderate / positive. I agree with the findings of the LVIA and consider that due to the urban location and the large size (9.6ha) of the site it has the capacity to absorb the proposed height and scale of the blocks. In my opinion, the proposed height should also be viewed in the changing context of the environs of the site. It is, therefore, considered that the proposed development would have a minimal impact on the visual amenity of the environs when viewed from the middle or long distance views. It is also noted that the proposed buildings do not impact or impede any protected views.
- 11.5.4. With regard to the concerns raised by third parties, it is noted that the existing adjacent residential properties (visual receptors) are more sensitive to change and that the value of that change is largely subjective. It is acknowledged that the blocks would be highly visible when viewed directly from the site boundaries and adjacent residential properties. It is also accepted that the proposed height is significantly taller than the existing adjacent buildings and would introduce new features in the skyline. However, I consider that the proposed height would not significantly detract from the visual amenities of this urban area and would not be visually obtrusive. I am satisfied that due to the high-quality contemporary design of the scheme and the transition in height with lower elements of the buildings located at the sites boundaries and the significant

separation distances proposed that there would be no significant negative impact on existing visual amenity. Concerns raised regarding the potential negative impacts on existing residential amenities from the proposed height are addressed in Section 10.8.

11.5.5. With regard to the concerns raised by third parties that the proposed height is excessive. Policy PHP42 of the development plan to ensure that new development complies with the Building Height Strategy for the County as set out in Appendix 5 (consistent with NPO 13 of the NPF). Appendix 5: Building Height Strategy outlines the policy approach for building height and notes that building height would be supported as per SPPR 1, which requires the identifying of areas for increased height and performance criteria as set out in SPPR 3 of the Building Height Guidelines. The subject site is located within the boundary of the Dundrum Local Area Plan. Section 4.2.5 of Appendix 5 notes that as per the issues paper the Dundrum should be considered for increased height in line with the requirements of the Ministerial Guidelines. The development plan does not set out any numerical limitations of building height. Therefore, it is considered appropriate to assess the proposed scheme against the criteria outlined in Section 3.23 of the Building Height Guidelines.

11.5.6. Section 3 of the Height Guidelines continues to describe information that the applicant should submit to the Planning Authority to demonstrate that it satisfies certain criteria at the scale of the relevant city/town, at the scale of district/neighbourhood/street, and at the scale of the site/building. Taking each point in turn as detailed in this section 3.2 of the Guidelines with reference to the bullet points therein, I conclude:

Scale of Relevant city/town:

- Site is well served by high capacity and high frequency public transport, which is detailed in the applicants TTA. In particular it is noted that the site is located c. 400m of Windy Arbour Luas Stop and c. 800m of Dundrum Luas stop. The Luas trams have a capacity of 408 passengers and currently operate at a 3 min frequency in the peak periods. There are north and south bound bus stops immediately adjacent to the subject site on the Dundrum Road and the TTA indicates that there are 90 no. buses operating in the vicinity of the site during the AM peak period with a combined capacity of 1,710 persons. It is also noted that Bus Connects will maintain the frequency of service along Dundrum Road.

- A Landscape and Visual assessment has been carried out as part of the EIAR and has been addressed throughout the report. I am satisfied that there will not be an unacceptable impact.
- Proposal makes a positive contribution to place-making by virtue of new public spaces within the c. 9.6ha site, using massing, scale and height to achieve required densities but with sufficient variety and height as has been done with the range of block heights and it responds to the scale of adjoining traditional residential developments, with respect to the taller buildings being located towards the centre and northern portion of the site.

Scale of district/neighbourhood/street:

- Design has responded to its overall natural and built environment and makes a positive contribution with the location of the taller blocks (Block 03 and 10) in the centre and northern portion of the site, the placement of parking at lower and ground floor level within the blocks and the provision of significant areas of public open space and high quality public realm.
- It is not monolithic – it is 9 blocks of varying heights and scales.
- It enhances a sense of scale and enclosure having regard to the passive surveillance of areas of open space as a result of the design and layout of the blocks.
- Enhances legibility with 3 no. additional pedestrian / cycle routes through the site being made available.
- The proposed creche, community uses and café positively contributes to the mix of uses. The non-residential uses will be available to the wider community and there is a sufficient mix of typology – studio, 1, 2 and 3 bedroom units.
- A Site Specific Flood Risk Assessment was submitted which indicates that the site is located in Flood Zone C and that the scheme would not result in a potential flood risk within the site or to any adjoining sites.

Scale of site/building:

- A Wind Microclimate Study and Daylight and Sunlight Reports have been submitted which demonstrate access to natural daylight, ventilation and views

and minimise overshadowing and loss of light and has taken account of BRE documents. Details of which are included in my planning assessment above.

- 11.5.7. The Specific Assessments required to support the proposal referred to in section 3.2 of the Guidelines include micro-climatic assessment, urban design statement, and relevant environmental assessments. These assessments have been carried out in the reports and EIAR submitted by the applicant as required by SPPR 3 below.
- 11.5.8. Having regard to my assessment which takes account of the documents submitted by the applicant, I am satisfied that the applicant has set out how the development proposal complies with the criteria SPPR 3.
- 11.5.9. The concerns raised by third parties that the proposed height is excessive are noted and it is acknowledged that the proposed scheme would introduce a new feature in the skyline. However, having regard to the location, size and topography of the site and to the high-quality design and layout of the scheme, the changing character of the area with an established transition towards higher density residential development and the criteria set out in the Building Height Guidelines, I am satisfied that the proposed height is not excessive in this instance and that the proposed development represents a reasonable response to its context. It is also noted that the planning authority carried out a detailed assessment of the Building Height with regard to the criteria outlined in Section 3.2 of the Building Height Guidelines and considered the building height to be acceptable.

11.6. ***Housing Tenure and Unit Mix***

Housing Tenure

- 11.6.1. The proposed development will deliver a 100% affordable housing scheme, 20% (196 no.) of the units would be provided in accordance with the provisions of Part V of the Planning and Development Act 2000 (as amended) and the remaining 80% would be provided as affordable housing under the Land Development Agency Act 2021. The concerns raised by third parties regarding the tenure are noted, however, I have no objection to the proposed ratio of social / affordable housing. It is noted that the planning authority raised no objection in this regard.

Unit Mix

- 11.6.2. It is proposed to provide 977 no. residential units comprising 940 apartments, 17 no. duplex units and 20 no. houses arranged in 9 blocks. The unit mix comprise 53 no. (5.5%) studio's, 423 no. (43.3%) 1-bed's, 37 no. (3.8%) (3-person) 2-bed's, 320 no. (32.7%) (4-person) 2-beds, 131 no. (13.4%) 3-bed's and 13 no. (1.3%) 4-bed's.
- 11.6.3. Concerns are raised by third parties that there is a requirement for larger family units within the scheme and that the proposed mix is a material contravention of the development plan. Table 12.1 of the development plan sets out apartment mix requirement for schemes of 50+ units in the existing built up area. In general, the proposed unit mix does not comply with the quantum's set out in Table 12.1. Table 12.1 states that apartment developments may include up to 80% studio, one and two bed units. The proposed scheme incorporates 85.3% studio's, 1-bed and 2-bed units. Table 12.1 also states that no more than 30% of the overall development should comprise a combination of one bed and studio. The scheme incorporates 48.8% studio and 1-bed units. It also states that a minimum of 20% should be 3+ bedrooms. The scheme incorporates 14.7% 3+ bed units. Therefore, the proposed unit mix does not comply with requirements set out in Table 12.1.
- 11.6.4. The applicant has addressed the proposed unit mix in the submitted material contravention and notes that the unit mix is in accordance with the provisions of SPPR1 of the Apartment Guidelines which states that apartment developments may include up to 50% 1-bed or studio type units (with no more than 20 – 25% of the total proposed development as studio's) and there shall be no minimum requirement for apartments with three or more bedrooms. While it is acknowledged that the proposed unit mix is in accordance with the provisions of SPPR1. It is noted that SPPR1 also states that statutory development plans may specify a mix for apartment and other housing developments, but only further to an evidence-based Housing Need and Demand Assessment (HNDA), that has been agreed on an area, county, city or metropolitan area basis and incorporated into the relevant development plan(s).
- 11.6.5. Appendix 2 of the development plan sets out the HNDA for the county. The recommended unit mix is reflective of the standards set out in Table 12.1. As the unit mix outlined in Table 12.1 relates to a standard and not a policy of the plan I am

satisfied that it is not a material contravention of the development plan and it is noted that the planning authority have not raised any concerns regarding a material contravention of unit mix. Notwithstanding this, having regard to the information provided in the HNDA, in particular Section 2.9.2 Housing Type and Mix, which is evidence based and robust, I agree with the concerns of the planning authority and third parties that there is a demand for larger units within the county.

- 11.6.6. It is noted that the applicant has not submitted any justification for the unit mix or a demand assessment for the proposed unit mix and relies solely on SPPR1. It is my opinion the applicant has not given due consideration to the HNDA, that was available as part of the draft development plan and to Policy Objective SLO 123 of the development plan, which aims to ensure that residential provision on the Central Mental Hospital Site provides for an acceptable mix of larger flexible units.
- 11.6.7. The scheme currently comprises 144 no. (14.7%) 3 and 4-bed units. Therefore, in accordance with Table 12.1 there is a shortfall of c. 46 no. 3-bed units. While a target of a minimum of 20% (191 no.) of 3+bed units is justified by the NHDA, it is my view that due to the design and layout of the scheme, it may not be possible to provide this 20% target without significant alternations to the design and layout. It is also noted that the masterplan indicated that the redevelopment of the overall site would include 71 no. additional residential units, which would comprise 1 no. studio (1.4%), 21 no. 1-beds (29.6%), 17 no. 2-beds (24%), 17 no. 3-beds (24%) and 15 no. 4-beds (21%). It is noted that if the overall unit mix for the master plan site is taken into account that this would equate to 16.7% (176 no.) of the units being 3+ beds.
- 11.6.8. Having regard to the information provided in the applicants Daylight and Sunlight: Internal Daylight, Sunlight and Overshadowing Report it is my view that it would be appropriate to amalgamate units were the ADF for the KLD falls below 1.5% as these units would have an added benefit of improving future residential amenity in terms of access to daylight. It is recommended that a condition be attached that the following units be amalgamated: -

Block 02

- Unit B2-B1-04 (1-bed) with Unit B2-B1-05 (1-bed); and

- Unit B2-00-16 (1-bed) with Unit B2-00-18 (1-bed)

11.6.9. This amendment would result in the omission of 4 no. 1-beds and an additional 2 no. 3-bed units in Block 02.

Block 03

- Unit B03-01-07 (2-bed, 3-person) with Unit B03-01-14 (studio);
- Unit B03-01-11 (2-bed, 4-person) with units B03-01-12 (1-bed);
- Unit B03-01-16 (2-bed, 4-person) with unit B03-01-15 (1-bed);
- Unit B03-02-07 (2-bed, 4-person) with unit B03-02-08 (1-bed);
- Unit B03-02-09 (2-bed, 3-person) with Unit B03-02-16 (studio).;
- Unit B03-02-13 (2-bed, 4-person) with Unit B03-02-14 (1-bed);
- Unit B03-03-09 (2-bed, 3-person) with Unit B03-02-16 (studio); and
- B03-03-13 (2-bed, 4-person) with Unit B03-03-14 (1-bed);

11.6.10. This amendment would result in the omission of 3 no. studios, 14 no. 1-beds, 3 no. 2-bed, 3-person units, 5 no. 2-bed, 4-person units an additional 8 no. 3-bed units in Block 03

Block 04

- Unit B04-00-04 (1-bed) with Unit B04-00-03 (2-bed, 3-person);
- B04-00-08 (2-bed, 4-person) with Unit B04-00-09 (1-bed);
- B04-00-20 (2-bed, 4 person) with part of B04-00-19 (3 bed). The remainder of B04-00-19 (3 bed) should be amalgamated with B04-00-18 (1-bed) to provide 2 no. 3-bed units.
- B04-01-04 (1-bed) with B04-01-05 (1-bed)
- B04-01-11 (2-bed, 4-perons) with B04-01-09 (1-bed)
- B04-01-21 (1-bed) with B04-01-22 (2-bed, 3-person)
- B04-02-04 (1-bed) with B04-02-05 (1-bed)

- B04-02-11 (2-bed, 4- person) with B04-02-09 (1-bed)
- B04-02-21 (1-bed) with B04-02-22 (2-bed, 3-person)
- B04-03-05 (1-bed) with B04-03-04 (1-bed)
- B04-03-11 (2-bed, 4-person) with B04-03-09 (1-bed)

11.6.11. This amendment would result in the omission of 14 no. 1-beds, 3 no. 2-bed, 3-person units, 5 no. 2-bed, 4-person units, 1 no. 3-bed and an additional 12 no. 3-bed units in Block 04

Block 05

- Unit B5-01-08 (studio) with Unit B5-01-10 (2-bed 4 person)
- Unit B501-24 (1-bed) with Unit B05-01-22 (1-bed).

11.6.12. This amendment would result in the omission of 1 no. studio, 2 no 1-beds, 1 no. 2-bed, 3-person units, and an additional 2 no. 3-bed units in Block 05

Block 07

- Unit B07-05-46 (2-bed, 4-person), this appears to be a numerical error as this unit is located on the first floor with Unit B07-01-06 (1-bed).
- Unit B07-01-13 (2-bed 4-person) and Unit B07-01-24 (2-bed 4 person) should both be equally amalgamated with Unit B07-01-11 (1-bed) to provide 2 no. 3-bed units.
- Unit B07-01-26 (2-bed, 4 person) with B07-01-28 (1-bed)
- Unit B07-01-36 (2-bed, 4- person) with B07-01-38 (1-bed)
- Unit B07-02-13 (2-bed, 4-person) with B07-02-11 (1-bed)
- Unit B07-02-26 (2-bed, 4 person) with B07-02-28 (1-bed)
- Unit B07-02-36 (2-bed, 4- person) with B07-02-38 (1-bed)
- Unit B07-03-13 (2-bed, 4- person) with B07-03-11 (1 bed)
- Unit B07-03-27(2-bed, 4- person) with B07-03-28 (1 bed)
- Unit B07-03-36 (2-bed, 4- person) with B07-03-38 (1 bed)

- 11.6.13. This amendment would result in the omission of 10 no 1-beds, 11 no. 2-bed, 4-person units, and an additional 11 no. 3-bed units in Block 07.
- 11.6.14. It is noted that the ADF for KLD falls below 1.5% in additional units to those outlined above. However, due to the internal configuration it is my view that it is not warranted to alter the internal layout of these units as it would require significant modifications to the layout, including relocation of lifts and stair cores, which is considered excessive. A detailed assessment of access to daylight / sunlight for the proposed units is provided below in Section 10.8.
- 11.6.15. In the interest of clarity the proposed amendments would result in the omission of 4 no. studios, 34 no. 1-bed units, 7 no. 2-bed, 3 person units, 21 no. 2-bed 4 person units and an additional 35 no. 3-bed units. There is no change recommended to the proposed 13 no. 4-bed units. The proposed alterations would result in a total of 946 no. units. The breakdown is 49 no. studio's (5.2%), 389 no. 1-bed's (41.1%), 30 no. (3-person) 2-bed's (3.2%), 299 no. (4-person) 2-beds (31.6%), 166 no. 3-bed's (17.6%) and 13 no. 4-bed's (1.3%).
- 11.6.16. The proposed amendments do not result in a scheme with the minimum recommended target of a 20% of 3+bed units as set out in Table 12.1 and Appendix 2 of the development plan. However, the proposed amendments would increase the quantum of 3-bed units by 35 no. which equates to a total of 17.6% of the overall scheme, without significantly altering the design of the scheme. It is noted that this amendment in combination with the proposed unit mix for the overall masterplan lands (Blocks 01, 11 and 12) would result in 20.5% of the units being 3+beds, which is in accordance with the provisions of the development plan.
- 11.6.17. Having regard to the evidence provided within the HNDA it is my view that the recommended unit mix is more appropriate and would have the additional benefit of improve residential amenity for future occupants by way of improved access to daylight. Having regard to the above, it is my view that the proposed mix would be in accordance with Policy Objective PHP27 which aims to encourage the establishment of sustainable residential communities by ensuring that a wide variety of housing and apartment types, sizes and tenures is provided throughout the County in accordance

with the provisions of the Housing Strategy and Housing Need Demand Assessment (HNDA) and Policy Objective SLO 123 which aims to ensure that the residential provision on the Central Mental Hospital Site provides for an acceptable mix of larger flexible units.

11.7. ***Open Space and Landscaping***

- 11.7.1. The proposed scheme incorporates 3.05ha of public open space. The Architectural Design report identifies 6 no. separate areas of public open spaces, which are physically and visually linked to each other. In this regard the Entrance Avenue (8,646.3sqm); Central Parkland (7,897.8sqm); Central Square (2,703.6sqm); Walled Garden (4,588.3sqm); Eco Corridor (1,619.4sqm); and Community Park (4,496 sqm). The scheme also includes 0.36ha of landscaped areas. These are generally incidental areas of landscaping along the sites boundaries and also include a 246.1sqm area within the community park and a 362.1 sqm area within the walled garden. As outlined above, I have no objection to the quantum of public open space and I am satisfied that it complies with the INST objective as outlined in Table 12.8 of the development plan.
- 11.7.2. Table 12.9 of the development plan sets out standards for communal open space, which are reflective of the standards set out in Appendix 1 of the Apartment Guidelines. In this regard a minimum of 5sqm of communal open space per 1-bed, 6sqm per 2-bed (3 person), 7sqm per 2-bed (4 person) and 9sqm per 3-bed. The scheme includes 53 no. studio units, 423 no. 1-beds, 37 no. 2-beds (3 person), 320 no. 2-beds (4 person) and 124 no. 3-beds apartment / duplex units. Therefore, there is a requirement to provide 3,843 sqm of communal open space. The scheme incorporates c. 5,800sqm of communal open space at ground floor level / podium level within each apartment block which is significantly in excess of the minimum standards. An additional c. 500sqm of communal open space is proposed at roof top level of Blocks 04 and 06. It is my view that a sufficient quantum and quality of communal open space would be provided to ensure high standard of residential amenity to future occupants.
- 11.7.3. Section 12.8.3.3(i) of the development plan states that all houses shall provide an area of good quality usable private open space behind the front building line. Minimum open space standards for each house type are provided in Table 12.10 with a requirement of 60sqm for a 3-bed house and 75sqm for a 4+ bed house. The proposed

development includes 20 no. houses. Block 02 incorporates 7 no. 3-bed houses. The private open space associated with these houses all reach or exceed the minimum standard of 60sqm. Block 08 comprises 7 no. 4-bed houses. The private open space provision for 5 no. houses reaches or exceeds the minimum standard of 75sqm. For the remaining 2 no. houses the private open space ranges from 69sqm to 70sqm. Block 09 comprises 6 no. 4-bed houses, none of which reach the recommended standard of 75sqm. The private open space provision for these houses ranges from 63sqm to 67sqm. It is acknowledged that the private open space provision for some of the houses does not reach the minimum standards set out in Table 12.10 and that the applicant has addressed this in the submitted material contravention statement. It is my view that sufficient good quality useable private open space has been provided for each dwelling. It is also noted that these standards do not relate to a policy of the development plan. I am satisfied that the proposed provision of private open space for the houses is not a material contravention of the development plan.

- 11.7.4. The private open space provision for all the apartment / duplex units has been provided in accordance with the standards set out in the Apartment Guidelines, 2020.

11.8. ***Residential Amenity***

Overlooking and Overbearing Impact

- 11.8.1. As noted above, the scheme comprises 9 no. urban blocks (Blocks 02 - 10) centred around 5 no. areas of public open space. The blocks range in height from 2 - 7 storeys and vary in scale and massing to respond to the existing adjacent properties, with the taller buildings (Block 03 and 10) located away from the existing properties in the central and northern portion of the site. A significant portion of public open space is provided at the site's southern boundary which connects to Rosemount Green .
- 11.8.2. Concerns are raised by third parties that the scale and height of the proposed development and the proximity of the blocks to the site boundaries would negatively impact the existing residential amenities in terms of overlooking and overbearing impact.
- 11.8.3. Block 02 is located in the north eastern portion of the site, to the west of rear gardens on Friarsland Road. Block 02 is broken into a number of elements comprising 7 no.

houses and 127 no. apartments / duplex units with a medical centre. The block ranges in height from 2 – 6 storeys (including the lower ground floor area). The 7 no. 2-storey dwellings are located at the boundary with the rear gardens on Friarsland Road. The gable end of House 1 (B2-00-H1) is located a minimum of c.3m from the boundary wall and c. 19m from the rear boundary of no. 46 Friarsland Road. There are no windows at the first floor level of the gable end (north-eastern elevation) of the proposed house. The first floor level of House no. 7 (B2-00-H7) is located c. 5m from the boundary wall and c. 18m from the rear of no. 42 Friarsland Road. The proposed dwellings have a flat roof design and a similar height (c. 7m) to the existing dwellings on Friarsland Road, as indicated on drawing no. DCD-RAU-02-B02_XX-DR-A-220, Block 02, GA Elevations 01. The height of the block increases to 6 storeys (5 storey's over lower ground floor). The heights element of the Block (c. 22m) is located a minimum of c. 80m from the rear of the existing dwellings on Friarsland Road.

- 11.8.4. Block 04 is located in the south east corner of the site to the west of rear gardens on Friarsland Road. It has a stepped approach to height and ranges from 4 – 7 storeys (including the lower ground floor level). The eastern elevation of the block, which is 4 storeys in height, is located c. 11m from the sites eastern boundary and a minimum of c. 50m from the rear elevation of the existing dwellings on Friarsland Road.
- 11.8.5. Block 04 is also located to the north of rear gardens on Larchfield Road. The southern elevation of the block, which is 4 storeys in height, is located c. 10.6m from the sites southern boundary and a minimum of c. 50m from the rear elevation of the existing dwellings on Larchfield Road. The fourth floor level communal open space at Block 04 is located c. 12m from the boundary with the rear gardens of dwellings on Larchfield Road. It is noted that the open space is located a minimum of c. 50m from the dwellings. Notwithstanding the significant separation distance between the proposed communal open space and the existing dwellings it is recommended that a minimum 1.8m high screen be provided along the entire southern boundary of the area of communal open space to prevent undue overlooking of existing rear gardens on Friarsland Road.
- 11.8.6. While it is acknowledged that the overall scheme would be visible from the rear gardens of both Larchfield Road and Friarsland Road, it is my opinion that due to the

design and orientation of the blocks which prevents direct overlooking, the significant separation distances, the existing high boundary wall and the staggered approach to building heights the proposed development, subject to appropriate screening at the rooftop communal open space, would not result in undue overlooking or overbearing impact on existing dwellings in Friarsland.

- 11.8.7. Block 05 is located at the sites southern boundary, to the north of dwellings on Larchfield Road. It has a stepped approach to height and ranges from 4 – 6 storeys. The southern elevation of the block, which is 4 storeys in height is located a minimum of c. 9.2m from the sites southern boundary and a minimum of c. 19m from the rear elevation of houses on Larchfield Road. The height of the block increases to 6 storeys. The heights element of the Block, c. 21.8m, is located a minimum of c. 45m from the rear of the existing dwellings on Larchfield Road.
- 11.8.8. The planning authority raised concerns regarding undue overlooking from secondary windows and balconies at second and third floor levels in Block 5. It is noted that all windows for units B05-02-15, B05-02-16, B05-02-17 and B05-05-18 at second floor level and B05-03-15, B05-03-16, B05-03-17 and B05-03-18 at third floor level on the southern elevation of Block 05 are orientated east – west with no directly south facing windows. It is my opinion that due to the design and orientation of the blocks which prevents direct overlooking, the separation distances, the existing high boundary wall and the staggered approach to building heights the proposed development would not result in undue overlooking or overbearing impact on existing dwellings in Larchfield Road.
- 11.8.9. Annaville Grove and Annaville Terrace are predominantly bound Blocks 8 and 9. Block 08 is located a minimum of 7.5m from the sites western boundary with Annaville and a minimum of c. 17m from the gable end of existing dwellings. Block 09 is a continuation of Block 08 and is located a minimum of c. 7.5m from the sites southern boundary and a minimum of 12m from existing properties at Annaville Terrace. Blocks 08 and 09 are predominantly 3 storeys in height. It is noted that there are no windows at first or second floor level on the rear elevation of Block 09.
- 11.8.10. Block 06 is located at the south eastern corner of the site. It has a stepped approach to height and ranges from 2 – 4 storeys. The western elevation of the block, which is

2-storeys in height, is located a minimum of c. 16m from the boundary wall with Annaville Grove and a minimum of c. 20.1m from the gable end of existing dwellings in Annaville Lodge and Annaville Grove. The second floor level communal open space at Block 06 is located a minimum of 22m from the gable end of existing dwellings at Annaville.

- 11.8.11. While it is acknowledged that the overall scheme would be visible from the rear gardens of Friarsland Road, it is my opinion that due to the design and orientation of the blocks which prevents direct overlooking, the separation distances, the existing high boundary wall and the staggered approach to building heights the proposed development would not result in undue overlooking or overbearing impact on existing dwellings in Annaville.
- 11.8.12. The separation distances between the Blocks range from c. 15m between Blocks 07 and 07 to c. 60m between Blocks 05 and 06. It is my opinion that the proposed separation distances between the blocks and the existing buildings achieves a balance of protecting the residential amenities of future and existing occupants from undue overlooking and overbearing impact and achieving high quality urban design, with attractive and well connected spaces that ensure a sense of enclosure and passive overlooking of public / communal spaces. In my view that proposed scheme would not result in undue overlooking or result in an overbearing impact on any existing properties.
- 11.8.13. Specific concerns were also raised by some third parties that the proposed separation distances do not comply with the 22m separation distance outlined in the development plan. Section 12.8.7.1 of the development plan states a minimum standard of 22 metres separation between directly opposing rear first floor windows should usually be observed, for new developments. This normally results in a minimum rear garden depth of 11 metres. In addition, Section 12.3.1 states that a minimum clearance distance of circa 22 metres, in general, is required, between opposing windows in the case of apartments up to three storeys in height. In certain instances, depending on orientation and location in built-up areas, reduced separation distances may be acceptable. In all instances where the minimum separation distances are not met, the applicant shall submit a daylight availability analysis for the proposed development. This standard does not relate to a policy within the development plan and there is

sufficient flexibility within the wording of the standard, therefore, it is my opinion that this is not a material contravention of the development plan. In my view the provision of 22m separation distances should be balanced with high quality urban design and placemaking considerations, the separation distances proposed are sufficient to ensure high quality residential amenity for existing residential properties. The planning authority note the requirement for a 22m separation distance and state that this standard generally translates to a requirement to maintain a minimum of 11m from first floor windows to the site boundary. The planning authority consider that the proposal generally complies with this separation distance and regard is also had to the height of the perimeter wall which is an important element in terms of screening and protection from undue overlooking.

11.8.14. However, I have some concerns regarding undue overlooking within Block 08 and 09 due to limited separation distances proposed. To prevent overlooking of existing dwellings on Annaville, Blocks 08 and 09 have been provided without windows on the rear elevation at first and second floor levels. To allow for daylight / sunlight and ventilation, windows for the first floor bedrooms and the second floor living rooms of duplex units B8-01-D1, B8-01-D2, B8-01-D3, B8-01-D4, B8-01-D5 and B8-01-D6 have been located within a set-back on the northern and southern elevations. This design approach results in a separation distance of c. 2m between the windows of opposing units. It is my opinion that this would result in undue overlooking between bedrooms and living rooms within unit B8-01-D1 and unit B8-01-D2, units B8-01-D3 and unit B8-01-D4 and unit B8-01-D5 and unit B8-01-D6. This concern has also been raised by the planning authority. I agree with the planning authority that the provision of obscure glazing or screening could negatively impact on access to daylight and sunlight for these units. There is a minimum separation distance of c. 18m between the rear elevation of Block 08 and the gable end of dwellings in Annaville. Having regard to the orientation of the blocks, the height of the existing boundary wall between Block 08 and Annaville and the separation distance I have no objection to the provision of windows at first floor level on the rear (western) elevation of Block 08. Therefore, it is recommended that if permission is being contemplated that the windows on the northern and southern elevations of unit unit B8-01-D1, unit B8-01-D2, B8-01-D3, B8-01-D4, B8-01-D5 and unit B8-01-D6 be omitted and replaced with windows on the rear (western) elevation.

- 11.8.15. With regard to the second floor level living rooms windows it is my opinion that windows on the rear (western) elevation could result in undue overlooking of dwellings in Annville. Therefore, to prevent undue overlooking between the living rooms of these units at second floor level it is recommended that a condition be attached that the windows serving units B08-01-D1, B08-01-D3, B08-01-D5 be relocated from the northern elevation to the southern elevation. In addition to ensure adequate daylight and sunlight provision additional high level windows should be provided on the southern elevation of the living rooms in units B8-01-D1, B8-01-D2, B8-01-D3, B8-01-D4, B8-01-D5 and B8-01-D6 and that these windows be permanently fitted with obscure glazing
- 11.8.16. Block 09 has a similar layout to Block 08, with the windows for the first floor bedrooms and second floor living rooms of duplex units B9-01-D1, B9-01-D2, B9-01-D3, B9-01-D4, B9-01-D5, B9-01-D6 have been located within a set-back on the eastern and western elevations. However, this design approach results in a separation distance of c. 2m between the windows of opposing units. It is my opinion that this would result in undue overlooking between bedrooms and living rooms within units B9-01-D1 and B9-01-D2, units B9-01-D3 and B9-01-D4 and units B9-01-D5 and B9-01-D6. While it is acknowledged that there is a limited separation distance of 12m from existing properties at Annville Terrace having regard to the height of the existing boundary wall between Block 09 and Annville I have no objection to the provision of windows at first floor level on the rear (southern) elevation of these blocks.
- 11.8.17. With regard to the second floor level living rooms windows it is my opinion that windows on the rear (southern elevation) could result in undue overlooking of dwellings in Annville. Therefore, it is recommended that the proposed windows serving units B9-01-D1, B9-01-D3, B9-01-D5 should be relocated from the eastern elevation and provided on the western elevation. To ensure increased levels of daylight and sunlight it is also recommended that high level windows be provided on the southern elevation of duplex units B9-01-D1, B9-01-D2, B9-01-D3, B9-01-D4, B9-01-D5, B9-01-D6 and that these windows be permanently fitted with obscure glazing.
- 11.8.18. The planning authority also raised concerns regarding the limited separation distances between opposing windows within Block 10. Block 10 comprises 4 no. distinct elements, due to the separation distances and the orientation of the individual

buildings it is my view that, in general, an appropriate balance has been achieved between protecting future residential amenity and providing a high-quality contemporary scheme. However, I have some concerns regarding the limited separation distance (10m) between units B10-00-15 and B10-00-13 and unit B10-00-16 at ground floor level. This separation distance is repeated at first to third floor level at units no. B10-01-23 and B10-01-21 and unit B10-01-25 at first floor level, units no. B10-02-23 and B10-02-21 and unit B10-02-25 at second floor level and units no. B10-03-23 and B10-03-21 and unit B10-03-25 at third floor level.

11.8.19. It is noted that the living rooms units B10-00-16, B10-01-25, B10-02-25 and B10-0-25 are served by 2 no. windows on opposite elevations. The living room windows of units B10-00-13, B10-01-21, B10-02-21 and B10-02-21 are also served by 2 no. windows on opposite elevations. Therefore, to prevent undue overlooking between it is recommended that a condition be attached to any grant of permission that the living rooms windows on the southern elevation of units B10-00-16, B10-01-25, B10-02-25 and B10-0-25 and the living room windows on the northern elevation of units B10-00-13, B10-01-21, B10-02-21 and B10-02-21 be permanently fitted with louvers or other appropriate screening to prevent undue overlooking.

11.8.20. Overall, it is my opinion that, subject to the conditions outlined above, the proposed separation distances between the blocks and the existing buildings achieves a balance of protecting the residential amenities of future and existing occupants from undue overlooking and overbearing impact and achieving high quality urban design, with attractive and well connected spaces that ensure a sense of enclosure and passive overlooking of public / communal spaces. While the concerns of the third parties are noted it is my view that proposed scheme would not result in undue overlooking or result in an overbearing impact on any existing properties.

Daylight, Sunlight and Overshadowing

11.8.21. Section 3.2 of the Urban Development and Building Height Guidelines (2018) states that the form, massing and height of proposed developments should be carefully modulated so as to maximise access to natural daylight, ventilation and views and minimise overshadowing and loss of light. The Guidelines state that appropriate and reasonable regard should be taken of quantitative performance approaches to daylight

provision outlined in guides like the BRE 'Site Layout Planning for Daylight and Sunlight' (2nd edition) or BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'. Where a proposal may not be able to fully meet all the requirements of the daylight provisions above, this must be clearly identified and a rationale for any alternative, compensatory design solutions must be set out, in respect of which the planning authority or An Bord Pleanála should apply their discretion, having regard to local factors including specific site constraints and the balancing of that assessment against the desirability of achieving wider planning objectives. Such objectives might include securing comprehensive urban regeneration and / or an effective urban design and streetscape solution. The Sustainable Urban Housing Design Standards for New Apartments Guidelines, 2020 also state that planning authorities should have regard to these BRE or BS standards.

11.8.22. The applicant submitted a Daylight and Sunlight – Impact on Neighbouring Properties Report, Daylight and Sunlight – Impact on Neighbouring Properties Report: Appendices, a Daylight and Sunlight – Transient Overshadowing Assessment and a Daylight and Sunlight – Internal Daylight, Sunlight and Overshadowing Report. These reports rely on the standards set out in BRE Report "Site Layout Planning for Daylight and Sunlight"; and EN17037:2018 Daylight in Buildings.

11.8.23. I have considered the reports submitted by the applicant and have had regard to BRE 2009 – Site Layout Planning for Daylight and Sunlight – A guide to good practice (2011), the BS 8206-2:2008 (British Standard Light for Buildings - Code of practice for daylighting and the updated British Standard (BS EN 17037:2018 'Daylight in Buildings), which replaced the 2008 BS in May 2019 (in the UK).

Internal Daylight and Sunlight

11.8.24. In general, Average Daylight Factor (ADF) is the ratio of the light level inside a structure to the light level outside of structure expressed as a percentage. The BS8206 – Part 2 sets out recommended targets for Average Daylight Factor (ADF), 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.

11.8.25. The layout of the proposed apartment units includes a combined kitchen/living/dining (KLD) room. As these rooms serve more than one function the 2% ADF value was applied to the KLD rooms. The applicant has also assessed the development against the alternative 1.5% ADF. The assessment was carried out on a representative sample of units (940 no.) and includes a mix of unit types, sizes, floor levels and orientations. It is my view that this approach is acceptable and represents a reasonable representation of ADF for the proposed scheme.

11.8.26. The information provided in Section 5 of the applicants Daylight and Sunlight – Internal Daylight, Sunlight and Overshadowing Report indicates that 91% of rooms tested are in compliance with the recommended target of 2% for KLD rooms and 1% for bedrooms and 96% are in compliance with the alternative target of 1.5% for KLD rooms and 1 % for bedrooms. It is noted that of the 95 no. rooms falling short of the ADF target, 69 no. are KLD, 6 no. are living rooms, 3 no. are studios and 17 no. are bedrooms. These units are located throughout the scheme. Full details of each room assessed in each block is provided in Section 7 of the applicants Daylight and Sunlight – Internal Daylight, Sunlight and Overshadowing Report. Having regard to the information provided within the report a breakdown for each Block is as follows: -

Building	2% ADF K/L/D 1% ADF Bedroom
Block 02	93%
Block 03	86%
Block 04	83%
Block 05	93%
Block 06	97%
Block 07	90%
Block 08	92%
Block 09	90%
Block 10	97%

11.8.27. As noted, there are some shortfalls in daylight provision within the scheme. However, in a scheme of this nature it is significantly challenging for large open plan KLD rooms to achieve 2% ADF and do so could unduly compromise the design / streetscape. As outlined in Section 10.6 above I have some concerns regarding the units mix, which in my view does not accord with the HNDA outlined in Appendix 2 and Policy SLO123 of the development plan, as such I have recommended that a condition be attached to amalgamate some units to provide larger 3-bed units. The units recommended to be amalgamated are units which have an KLD with an ADF of less than 1.5%. Therefore, the provision of larger units would also improve access to daylight and sunlight for some units. Notwithstanding this, 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.

11.8.28. Section 1 of the applicants Daylight and Sunlight – Internal Daylight, Sunlight and Overshadowing Report states that the scheme was developed having consideration to daylight and sunlight and Section 5.4 provides compensatory design solutions, which includes significant larger floor areas and large private amenity space. Section 7 also states that windows have been enlarged and additional windows provided, where possible and the KLD are positioned where the levels of light are greatest. It is also noted that the scheme incorporates a significant public open space (32% of the total site area) and that 52% of the units are dual aspect.

11.8.29. I am satisfied that adequate justification for non-compliance exists, and that the design and associated design solutions and alternative target is appropriate. It is also my view that all of the rooms would receive adequate daylight and having regard to the need to development sites such as these at an appropriate density, full compliance

with BRE targets is rarely achieved, nor is it mandatory for an applicant to achieve full compliance with same. I am satisfied that the applicant has endeavoured to maximise sunlight/daylight to the units and where possible achieve 2% ADF.

- 11.8.30. The BRE Guidelines also recommend that the centre of at least one window to a main living room can achieve 25% of An Annual Probable Sunlight Hours (APSH), including at least 5% in the winter months for relevant windows, in this regard relevant windows are windows orientated 90 degrees of due south. Section 5 of the applicants Daylight and Sunlight – Internal Daylight, Sunlight and Overshadowing Report notes that 79% of rooms reach or exceed the annual APSH target and 88% reach or exceed the winter APSH target. The report notes that lower levels than the recommended target APSH were seen on the lower levels where balconies obstruct summer light, however, lower angle winter sun would penetrate into the room. Full details of APSH for each Block is provided in Section 7 of the report. Having regard to the information submitted I am satisfied that the applicable main living room windows would achieve good annual and winter APSH and appear reasonably well lit.
- 11.8.31. Having regard to the information submitted I am satisfied that subject to the conditions outlined above, that all of the rooms within the scheme would receive adequate daylight and sunlight and that the shortfalls are not significant in number or magnitude. I would also note, that in urban schemes there are challenges in achieving the recommended standards in all instances, and to do so would unduly compromise the design / streetscape.
- 11.8.32. Section 3.3 of the BRE guidelines state that good site layout planning for daylight and sunlight should not limit itself to providing good natural lighting inside buildings. Sunlight in the spaces between buildings has an important impact on the overall appearance and ambience of a development. It is recommended that at least half of the amenity areas should receive at least 2 hours of sunlight on 21st March.
- 11.8.33. Section 11 of the applicants Daylight and Sunlight – Internal Daylight, Sunlight and Overshadowing Report divides the overall masterplan lands into 26 no. individual elements. Of these 26 areas 22 no. reach or exceed the BRE target and represents a significant portion of the areas of open space within the masterplan lands, which indicates that the areas of open space provided within the scheme would receive good

quality access to sunlight. With regard to the areas that do not achieve the recommended BRE target 3 of the 4 no. areas are located within the subject site and are as follows: Area 9, which is ground floor level communal open space, within Block 09 achieving 36%; Area 11 which is ground floor level communal open space within Block 03 achieving 26%; and Area 26 which is communal open space within Block 09 achieving 35%. While it is acknowledged that these spaces do not achieve the target I am satisfied that the quantity and quality of public and communal open space provided within the scheme would result in high levels of residential amenity for future occupants. The diagrams provided in the applicants Daylight and Sunlight Transient Overshadowing Assessment are also noted in my assessment.

External Daylight, Sunlight and Overshadowing

- 11.8.34. In general, Vertical Sky Component (VSC) is a measure of the amount of sky visible from a given point (usually the centre of a window) within a structure. The BRE guidelines state that if the VSC, with the new development in place, is both less than 27% and less than 0.8 times its former value occupants of the existing building would notice the reduction in the amount of skylight.
- 11.8.35. Concerns are raised by third parties that the daylight / sunlight assessment does not adequately address the impact of the scheme on surrounding properties. An assessment of 155 no. surrounding properties / 1,099 windows was undertaken. These individual properties are indicated on Figure 07 of the applicants Daylight and Sunlight Impact on Neighbouring Properties Report. It is my view that the properties selected for detailed assessment is reasonable. The analysis indicates that 150 no. properties (99% of the windows) assessed would be non-compliant with the BRE Guidelines for VSC and APSH and no further assessment of these windows is required. Full details are provided in Appendix 04 of the report.
- 11.8.36. The applicant also undertook a VSC and APSH assessment of 5 no. properties outlined in Table 01. These are 'Sorrento' Dundrum Road, Annville Residents (Block 2), 2-3 Annville Lodge, 1 Annville Grove and 42 Friarsland Road.
- 11.8.37. The 3 no. properties that fall below the recommended VSC target are 'Sorrento' Dundrum Road, Annville Residents (Block 2), 2-3 Annville Lodge to the south and

west of the subject site. The analysis indicates that the proposed development would not impact on the VSC for 1 Annville Grove and 42 Friarsland Road.

'Sorrento' Dundrum Road: The analysis indicates that the VSC for the 2 no. windows assessed would be reduced from 27.6% to 22.4% and from 28.3% to 23.5% by the proposed development. In my opinion this impact would be minor.

Annville Residents (Block 2): The analysis indicates that none of the 12 no. windows assessment currently have a VSC of 27%, with VSC for the windows currently ranging from 18.7% to 6.3%. Of the 12 no. windows 6 no. would experience a reduction of 20% from its former value by the proposed development. The planning authority consider that the impact on Annville Residents is unacceptable and recommend that a condition be attached to any grant of permission that Block 09 be omitted. I disagree with the planning authority. It is acknowledged that the proposed scheme would impact on the existing VSC for Annville Residents. However, it is my view that the impact would be moderate and acceptable within an urban area. It is also my opinion that the existing VSC for Annville Residents is largely due to the proximity (4m) to which this apartment block was constructed to the existing perimeter wall.

2-3 Annville Lodge: The analysis indicates that 8 no. of the 22 no windows assessed currently do not have a VSC of 27%. The proposed development would impact on the VSC of 2 no. windows. The VSC for these 2 no. windows would be reduced from 13.9% to 10.5% which is 24.5% its former value and from 10.1% to 8%, which is 20.8% its former value. In my opinion this impact would be minor.

11.8.38. The 2 no. properties that fall below the BRE recommended APSH target are 1 Annville Grove and 42 Friarsland Road. The analysis indicates that the proposed development would not impact on the APSH for 'Sorrento' Dundrum Road, Annville Residents (Block 2) or 2-3 Annville Lodge.

1 Annville Grove: The proposed development would impact on 1 no. window. In this regard the APSH would be reduced from 15% to 10% and the Winter APSH would be reduced from 4% to 2%. It is noted that the windows potentially impacted currently fall below the recommended BRE targets of 25% APSH and 5% Winter APSH. Therefore, having regard to the information submitted the proposed development would have a negligible impact on these properties in terms of APSH.

42 Friarsland Road: The proposed development would impact on 1 no. window. In this regard the Winter APSH would be reduced from 1% to 0%. It is noted that the windows potentially impacted currently fall below the recommended BRE targets of 25% APSH and 5% Winter APSH. Therefore, having regard to the information submitted the proposed development would have a negligible impact on these properties in terms of APSH.

11.8.39. The concerns raised by third parties are noted, however, having regard to the information submitted in the applicants Daylight and Sunlight Impact on Neighbouring Properties Report I am satisfied that the assessment undertaken is comprehensive, robust and evidence based. The potential impact on VSC for 3 no. properties is noted. However, this impact is considered minor to moderate and it is my view that consideration should be given to the fact that this is an urban area and the comparison being made is between an existing, under-utilised site and the proposed development, which will inevitably have some form of an impact. As outlined above, the impact should be seen in the wider context of the redevelopment of the subject site. It is also noted that the Building Height Guidelines state that where a proposal may not be able to fully meet all the requirements of the daylight provisions the Board 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. Therefore, having regard to the wider benefits such as the delivery of housing and the redevelopment of an underutilised site in the existing urban area, it is my view that the impact is considered acceptable in this instance.

11.8.40. The applicants Daylight and Sunlight Impact on Neighbouring Properties Report also assessed the impact of the development on the amenity spaces of the adjacent properties. Full details are provided in Appendix 05. The BRE guidelines recommend that at least half of the amenity areas should receive at least 2 hours of sunlight on 21st March. Having regard to the information submitted, it is my view that any impact would be negligible and should be seen in the wider context of the redevelopment of the subject site.

Conclusion

- 11.8.41. As outlined above the proposed development does not achieve all of the standards set out in the BRE, with particular regard to the ADF for some of the rooms within the proposed scheme and the impact on VSC and APSH for some of the surrounding properties. The Building Height Guidelines state that appropriate and reasonable regard should be had to the quantitative approaches as set out in guides like the Building Research Establishment's 'Site Layout Planning for Daylight and Sunlight' (2nd edition) or BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'. It is acknowledged in these Guidelines that, where a proposal does not fully meet the requirements of the daylight provisions, this must be clearly identified and a rationale for alternative, compensatory design solutions must be set out. The Board can apply discretion in these instances, having regard to local factors including site constraints, and in order to secure wider planning objectives, such as urban regeneration and an effective urban design and streetscape solution. Throughout the Daylight and Sunlight Reports submitted the applicant has provided a clear rationale for alternative and compensatory design solutions. The information provided indicates that access to daylight and sunlight formed an integral part of the design approach and that the design team endeavoured to maximise sunlight/daylight within the scheme and ensure a minimal impact on existing adjacent properties.
- 11.8.42. While it is noted that the scheme does not achieve all recommended standards, it is my opinion that this development results in wider planning benefits, such as the delivery of a significant quantum of housing, connectivity through the site, a high quality public open space and the comprehensive development of an underutilised serviced site in the urban area, which would support the consolidation of the urban environment. Therefore, the shortfalls outlined above are considered acceptable in this instance.

Noise and Disturbance

- 11.8.43. The development includes 2 no. external plant buildings for the proposed district heating system which would supply the apartments. Concerns are raised by third parties that inadequate information has been provided regarding these buildings and due to their proximity to existing properties there is potential for undue noise disturbance to existing residents. Drawing no. DCD-RAU-ZZ-SW_XX-DR-A-1051

indicates the location and size of these buildings. 1 no. building is located at the site's eastern boundary, c. 18 m from the rear garden of existing dwellings on Friarsland Road and the second building is located c. 10 m from the rear garden of properties on Larchfield Road. Section 12.4.2.6 of the EIAR addresses potential noise from within the site and notes that at the nearest noise sensitive locations are likely to be within the development itself. The maximum capacity will be designed to be within the adopted daytime criterion of 55 dB LAeq during the daytime period. Existing properties are likely to be at a greater distance and as such the impact will be less. Therefore, it is my view that the district heating stations would not result in any negative impact on existing residential amenities in terms of noise or disturbance.

- 11.8.44. Concerns are raised by third parties and the planning authority regarding potential noise and disturbance from the non-residential uses. It is my view that the operational phase of the development would not give rise to levels of noise that would be inappropriate in a residential context within a suburban area. Notwithstanding this, in the interest of residential amenity I agree with the planning authority that a condition should be attached to any grant of permission restricting the hours of operation of the non-residential uses to ensure they do not cause undue noise disturbance to existing and future residents. It is also recommended that a condition be attached that the management of the community facility be agreed with the planning authority.
- 11.8.45. Concerns were also raised by third parties that the proximity of the proposed roof terraces would result in undue noise disturbance to existing residents. The fourth floor level communal open space at Block 04 is located c. 12m from the boundary with the rear gardens of dwellings on Larchfield Road and c. 70m from the dwellings. The second floor level communal open space at Block 06 is located a minimum of 22m from the gable end of existing dwellings at Annville to the west of the subject site. Having regard to the proposed separation distances between the roof top communal open spaces and existing properties it is my view that they would not give rise to levels of noise that would be inappropriate in a residential context within a suburban area.
- 11.8.46. Overall, it is my view that the proposed scheme would not negatively impact on existing residential amenities in terms of undue noise or disturbance during the operational phase. The issue of construction related noise is addressed in the EIAR assessment below.

11.9. ***Built Heritage***

- 11.9.1. The Central Mental Hospital was opened in 1850 and is considered to be the first forensic mental hospital in Britain or Ireland. The proposed development sits within the immediate setting and curtilage of 3 no. protected structures, 'Asylum' RPS No. 2072, 'Catholic Chapel' RPS No. 2071 and the 'Hospital Building' RPS No. 2073. As outlined above, the modification and reuse of these protected structures does not form part of this application.
- 11.9.2. The Asylum (Central Mental Hospital) RPS No. 2072 is referred to as the Main Hospital Building in my assessment and throughout the applicants documentation. It is recorded in the National Inventory of Architectural Heritage (NIAH) under reference 60220001 and has a rating of National importance. The building comprises a detached seventeen-bay three-storey over basement asylum, built 1847-51 and set in landscaped grounds. Chapter 15 of the applicants EIAR addresses Architectural Heritage and notes that the value attached to the Main Hospital Building arises from it being a rare example of the typical asylum provision of this period. The building is a tangible representation of a major shift in the approach to criminality and mental illness in Ireland, and of an emerging new institutional design. The hospital has been modified and extended over the years, however, its original form remains substantially intact.
- 11.9.3. The 'Catholic Chapel' RPS No. 2071 is located to the side and rear (northwest) of the main hospital building. The Chapel is recorded in the NIAH under reference 60220002 and has a rating of Regional importance. The building comprises a detached five-bay double-height Catholic chapel, built 1901, and set in landscaped grounds shared with Central Mental Hospital.
- 11.9.4. The 'Hospital Building' RPS No. 2073 is located to the side and rear (north) of the main hospital building and is referred to as the 'Infirmary' on the submitted documentation. It is recorded in the NIAH under reference 60220003 and has a rating of Regional importance. It was constructed between 1847-51 and comprises a detached single-bay (three-bay deep) two-storey gable-fronted church / chapel. The building was adapted to Hospital / Infirmary alternative use in 1867. The NIAH states that the building is now in alternative use.

- 11.9.5. There are also existing farm buildings and structures located to the east of the Main Hospital building and outside of the subject site. These structures are not on the record of protected structures or listed on the NIAH. However, they are largely unaltered from their original form, and I agree with the applicant and planning authority that they provide heritage value to the protected structures.
- 11.9.6. The subject site includes the Gate Lodge building, adjacent to the existing entrance at Dundrum Road. This building was constructed by 1853. It is not listed on the record or protected structures or on the NIAH. Chapter 15 of the EIAR notes that gate lodge retains to a large extent its original form, however, there have been a number of inappropriate modern extensions and signage added. The subject site also incorporates large sections of the perimeter wall. The wall was constructed contiguously with or very soon after the Main Hospital Building. With the exception of minor interventions the wall has remained unaltered. The Perimeter Wall Condition Report notes that at the time of survey the wall was found to be in excellent structural condition.
- 11.9.7. These buildings and structures within the overall site are set in a historical landscape. Chapter 15 of the EIAR notes that this historical landscape was largely established by 1910. Features within the landscape include the 'walled garden' and 'airing yards' (exercise yards) and ornamental landscaped areas. The 'airing yards' are located outside of the subject site, to the east of the main hospital building. The date of construction is unclear. These are currently disused. The walled garden, which is located within the subject site, is located to the south east of the main hospital building and was originally an orchard. At present it is an enclosed garden of ornamental landscaping with 2no. surviving ornamental gateways.
- 11.9.8. Third parties have raised concerns that the proposed development would negatively impact on the setting of the protected structures. The proposed development does not include any alterations to the protected structures and as noted above, they are located outside of the red line boundary. However, having regard to the proximity of the proposed Blocks to the protected structures I agree that a development of this scale has the potential for a very significantly negative effect on the main hospital building. This is also acknowledged by the applicant. To mitigate against any potential negative impact, Section 15.5 of the EIAR notes the historic landscape to the

immediate south (front) of the Main Hospital Building would be retained and enhanced. The main car-park and the swimming-pool building are to be demolished and areas of landscaping reinstated. It is my view that this would enhance the setting of the protected structure. It is also noted that the height and scale of Block 2 which is the closest block to the protected structures, has been designed to ensure that the dominance of the Main Hospital Building is retained. Block 02 is located c. 20m east of the Main Hospital Building. While it is noted that the height of Block 02 is c. 3m above the ridge of the protected structure it is my view that due to its siting to the east of the Main Hospital Building and the proposed separation distance (20m) that it would not have an overbearing impact or negatively impact on the protected structure or its setting.

- 11.9.9. The Chapel and the Hospital Building are located to the rear of the Main Hospital Building and outside of this application. Having regard to the location of these buildings to the rear of the Main Hospital Building it is my opinion that they are somewhat shielded from the development and, therefore, the impact on their setting and character would be negligible.
- 11.9.10. While the concerns of the third parties are noted, it is my opinion that the proposed scheme represents a high-quality contemporary development which provides a clear distinction from the protected structures and retains and enhances the landscape setting of the Main Hospital Building. The Planning Authority acknowledge that that the proposed development would have a profound impact on the protected structures, however, it is not anticipated to negatively impact on their character. In addition, the subject site is zoned for development and the proposed development is, therefore, not an unexpected addition to the site.
- 11.9.11. As part of the open space strategy is it proposed to incorporate the existing walled garden in the south east portion of the site to serve as allotments for residents. The works to the existing walled garden include alterations and removal of sections of the wall to allow for additional access. I have no objection to the proposed works and agree with the planning authority's conservation officer that incorporating the existing walled garden as part of the scheme would have a positive effect from a heritage, landscape and community perspective.

- 11.9.12. It is also proposed to convert the existing Gate Lodge Building in the north western portion of the site to a café. The refurbishment and reuse of the Gate Lodge is welcomed. It is noted that the planning authority's Conservation Officer raised concerns with changes to the setting of the Gate Lodge, in particular the substantial loss of the perimeter wall to the west of the building and the increase in vehicular and pedestrian movements. The planning authority recommended that the wall be retained in this section of the site. As the Gate Lodge is not a protected structure, I disagree with the concerns raised by the planning authority. In my opinion the retention and reuse of this building is welcomed and in accordance with Policy Objective HER20 to retain and encourage the rehabilitation and suitable reuse of existing older buildings which make a positive contribution to the character and appearance of the area and streetscape in preference to their demolition. Notwithstanding this, having regard to my concerns outlined below in Section 10.10 regarding the provision of an additional vehicular access onto Dundrum Road, it is recommended that the existing vehicular access on to Dundrum Road, which is immediate adjacent to the Gate Lodge building, provide pedestrian / cycle and emergency access only. Therefore, there is no requirement to remove significant elements of the existing wall, this would have the added benefit of retaining the setting of the Gate Lodge.
- 11.9.13. To allow for additional access and improve visibility into the site it is proposed to remove sections of the perimeter wall. The applicants Perimeter Wall Condition Report notes that the perimeter wall at the Dundrum Central Mental Hospital was complete to its current extent by 1874. The wall is c.1,660m in length and was built in granite and limestone rubble with concrete copings, and one short section in mass concrete. Drawing no. DCD-RAU-02-SW_XX-DR-A-2600 details the areas of the wall to be removed and where the existing height would be reduced. It is proposed to remove c. 100m of the wall from the sites southern boundary with Rosemount Green. This would provide a physical and visual connection between the existing public open space and the proposed 'Community Park' within the site. I have no objection to the removal of this section of the wall at this location and consider that it would have a wider benefit for the existing community and would improve the visual links towards the Main Hospital Building.

- 11.9.14. It is proposed significantly alter the perimeter wall along the sites western boundary with Dundrum Road. The works include the removal of c.23m of the wall to provide a new access from Dundrum Road and reduce the height of the existing wall on either side of this new access, to c. 1.5m. I have no objection to the provision of the new vehicular access or the lowering of the walls at this location as it would allow for appropriate sightlines and would provide a visual connection into the site. It is also proposed to remove a c. 30m section of the wall at the existing entrance on Dundrum Road and reduce the height of the wall on either side of this new entrance to c. 1.5m in height. In addition, the existing wall (c. 100m in length) between the 2 no. proposed vehicular access points would also be reduced in height by c. 1.5 to 2.5m, reducing the height of the wall to between c. 3.8m - 5m. The section of the perimeter wall between the 2 no. proposed entrances, generally runs parallel to Block 10.
- 11.9.15. No section of the wall at the boundary with Dundrum Road is being kept in its current form. The boundary wall along Dundrum Road is an important and long established local landmark and in my view is an intrinsic part of the character of the site and a visual reminder of the sites original use. The planning authority's Conservation Officer acknowledged that it is inevitable that a substantial change in the sites character will occur, however, concerns were raised regarding the impact that the scale of interventions could have on the character of the site, and in particular on the protected structures. It is acknowledged that the wall is not a protected structure and a degree of compromise is required to ensure the site can be appropriately developed for modern living. However, I agree with the concerns of the planning authority's Conservation Officer that the interventions are excessive and that there is potential for sections of the wall to be retained in accordance with Policy Objective HER22 to preserve the retention of historic items of street furniture where these contribute to the character of the area, including items of a vernacular or local significance. Therefore, it is recommended that a condition be attached to any grant of permission that the c. 100m section of the existing wall between the 2 no. proposed entrances is retained at this current form. It is acknowledged that this may impact on access to daylight / sunlight for units within Block 10. However, it is my opinion that this is an appropriate balance between future residential amenity and the cultural and heritage value of the wall.

- 11.9.16. As outlined below, it is also my recommendation that the existing access with Dundrum Road be used for pedestrian, cycle and emergency access only and that the proposed new access at the southern end of Dundrum Road, be the only main vehicular access to the site. Therefore, the proposed removal of significant sections of the wall at this location are, in my view, unnecessary. In the interest of clarity it is recommended that the final details be agreed with the planning authority. I also have no objection to the removal of a section of the wall to provide access on Annville. The concerns raised by third parties with regard to connectivity and access are addressed below.
- 11.9.17. With regard to the proposed works at the north west corner of the site, which fronts onto Dundrum Road and the green space at Mulvey Road, I have no objection to the interventions at this location, which include the removal of the corner section of the wall, the removal of a c. 05m wide pedestrian entrance and the lowering of the wall between these 2 no. accesses to c. 1.5m in height. It is considered that would improve permeability within the site and provide a visual link to the site from Dundrum Road.
- 11.9.18. The works also include the demolition of a single storey former swimming pool / sports hall and admissions unit (2,750sqm), a 2-storey redbrick building (305sqm), single storey ancillary and temporary structures including portacabins (677sqm). The works also include the removal of the existing internal sub-divisions / fencing, including the removal of the security fence at the entrance from Dundrum Road. Third parties have raised concerns that there is a lack of detail regarding the buildings to be demolished. I am satisfied that there is sufficient information provided within the applicants documentation and drawings. These buildings and structures do not form part of the original site and do not contain any features of architectural merit. I have no objection to their demolition. It is also my view that the removal of the former swimming pool / sports hall and admissions unit and its replacement with landscaped open space would enhance the setting of the Main Hospital Building.
- 11.9.19. In conclusion, it is my view that the proposed scheme responds well to its context and is an appropriate height and scale for this urban site and would not negatively impact on the setting or character of the protected structures of the social or cultural importance of the site. I have outlined my concerns regarding the potential negative impact of removing significant portions of the perimeter wall at the site's western

boundary with Dundrum Road. However, it is my view that this could be addressed by way of condition.

11.10. **Transportation**

Public Transport

- 11.10.1. The site is located c. 400m from Windy Arbour Luas Stop and c. 800m from Dundrum Luas stop. The Luas trams have a capacity of 408 passengers. The applicant undertook a survey of the Windy Arbour Luas stop which indicates that north bound (city centre) trams currently operate at a 3 min frequency (18 no. per hour) in the AM peak. Based on the results of the survey the Luas has a capacity of 7,344 persons per direction in the peak period (08.00 – 09.00). Section 3.11.2 of the applicants TTA provides a breakdown of the potential capacity of the Luas, per person per hour. In this regard the Luas Green Line has a potential capacity of 4,896 persons per hour based on a 5 min frequency and a maximum capacity of 12,240 persons per hour based on a 2 min frequency. The applicant notes that the Luas system has been designed to accommodate trams every 2 min in the peak period, therefore, the existing capacity could potentially be increased, if demand increases in the future.
- 11.10.2. In addition to the Luas, the subject site is well served by bus. Table 8.42 of the applicants TTA details the bus routes and frequencies during the peak period. The information submitted indicates that there are 90 no. buses operating in the vicinity of the site during the AM peak period with a combined capacity of 1,710 persons. The bus stop directly outside the subject site is served by the no. 17, 44 and 61. The 17 is an orbital route that operates between Blackrock and Rialto at a 20 min frequency in the peak periods. The 44 operates between Enniskerry and DCU via Dundrum at a 30 min frequency in the peak periods. The 66 operates between Whitechurch and the city centre with an hourly frequency in the peak periods. In addition, the 11 route operates between Sandyford Business District and Wadelai Park (Glasnevin) at a frequency of 15 min in the peak period. This stop is located on Bird Avenue, c. 900m north east of the subject site.
- 11.10.3. It is also noted that Bus Connects would maintain the frequency of service along Dundrum Road. In addition, proposed Spine Route A2 is located c. 800m south of the site at Dundrum Luas Stop. This route would operate at a 12 minute frequency. Orbital

Routes are also proposed on Bird Avenue to the north of the site providing connectivity to Liffey Valley at 10 min intervals. and on Taney Road to the south of the site providing connectivity to Tallaght at 15 min intervals. The site is also within 800m of the proposed bus terminus / transport interchange at the northern end of Dundrum Main Street as outlined in Bus Connects. The submission from the NTA notes that the level of bus service provision on Dundrum Road will be maintained with significant increases in bus frequency and route options at the terminus / interchange which is adjacent to Dundrum Luas stop.

- 11.10.4. Concerns are raised by third parties and are outlined in detail in the Technical Note - Traffic and Transport Considerations submitted with the observation from John Cahill and Margret Glupker, that the existing public transport services do not have the capacity to accommodate the additional number of users generated by the proposed development. Section 8.12 of the applicants TTA indicates that the proposed scheme would generate c. 6-7 no. additional persons per city bound tram in the AM peak. This is based on a modal share of 25% and assumed that 80% of those persons would travel in the AM peak (08.00 – 09.00). In my view, this is a reasonable assumption. While the third party concerns regarding the capacity of the Luas are noted, having regard to the information submitted by the applicant, which is evidence based and robust, it is my view that the proposed scheme would have a negligible impact on the operational capacity of the Luas. The planning authority note that the demand generated by the proposed scheme is deemed to be within a reasonable degree of tolerance, even is the green line was operating at 100% capacity at peak time.
- 11.10.5. With regard to bus capacity, Section 8.44 of the applicants TTA indicates that the proposed scheme would generate c. 2 no. additional persons per bus in the AM peak. This is based on a modal share of 5% in the AM peak (08.00 – 09.00). Which again in my view, this is a reasonable assumption. Having regard to the information submitted by the applicant, which is evidence based and robust, it is my view that the proposed scheme would have a negligible impact on the operational capacity of bus network.
- 11.10.6. While the concerns of the third parties are noted, I am satisfied that the site is well served by high capacity and high frequency public transport and it is noted that the planning authority and the NTA also consider the subject site to be well served and

connected to public transport and that no concerns were raised in the submission from TII.

Cycle / Pedestrian Network

- 11.10.7. The applicants TTA assigned a 5% modal share to cycling. This equates to 35 no. trips in the AM peak and 32 no. trips in the PM peak. The modal share is based off the existing modal share for Dundrum and in my view is considered reasonable. Concerns are raised by third parties that Dundrum Road is not capable of accommodating additional cyclists. While it is acknowledged that there are no dedicated cycle routes on Dundrum Road I am satisfied that the existing urban road network is capable of accommodating the proposed number of trips generated. It is also noted that the Greater Dublin Area Cycle Network Plan indicates that Goatstown Road would be a Primary Cycle Route. Dundrum Road would be a feeder route to this network. It is also envisioned that the cycle route through the site would facilitate and support cycling.
- 11.10.8. The submission from the NTA considers that the design of cycle infrastructure within the site merits further consideration to ensure that it aligns with the guidance in the National Cycle Manual. In particular, the design of the crossings along the length of the internal cycle route, the design of infrastructure associated with the internal road network, and the connections between the internal cycle infrastructure and the external road network should be reviewed. In my opinion the provision of a cycle route within the scheme is welcomed and the final details of the design could be addressed by way of condition.
- 11.10.9. The planning authority also raise concerns regarding the cycle / pedestrian connection to Rosemount Green and recommend that a condition be attached to any grant of permission to upgrade existing infrastructure in Rosemount Green to segregate the cycle path and the footpath and connect those to the infrastructure within the site. This should be fully constructed as part of phase 1. I agree with this recommendation and consider it to be in accordance with Policy SLO 113 to ensure any connectivity between the Central Mental Hospital lands with the adjoining residential area should include the development of enhanced infrastructure for existing and future residents. It is considered that a financial contribution accordance with Section 48(2)(c) of the Planning and Development Act, 2000 (as amended) should be attached to facilitate the works outside of the subject site.

Loading and Servicing

11.10.10. Section 12.4.5.7 states that residential developments of more than 50 units should have at least one loading bay and there shall be a ratio of not less than 1 loading bay per 100 units in larger developments. The submitted Parking Plan (Drawing no. DCD-RAU-02-SW_ZZ-DR-A-1010) indicates that 2 no. dedicated loading bays are proposed to serve the commercial elements within the scheme, 1 no. loading bay is located to the south of Block 03 and 1 no. loading bay is located to the to the south of Block 07. The car parking layout plan also indicates that there are sufficient car parking spaces located along the internal road network that would provide informal loading areas. I am satisfied that sufficient loading bays have been provided within the scheme to serve a development of this scale and would not impact on the free flowing movement of vehicles within the scheme. The applicant has addressed the proposed quantum of loading bays in the submitted Material Contravention Statement. As the standard set out in Section 12.4.5.7 does not relate to a policy of the development plan I am satisfied that the proposed quantum of loading bays is not a material contravention of the development plan and are sufficient to serve the proposed development. It is noted that auto-track drawings have been submitted indicating how refuse and emergency vehicles would manoeuvre through the site.

Connectivity

11.10.11. The majority of the third party submissions raised concerns regarding the provision of a 1.8m wide pedestrian / cycle access onto Annville. It is noted that this is a potential future pedestrian link, with no proposals to provide vehicular access through Annville. A Traffic and Transport Report was submitted with the observation from John O'Carroll and others to outline and justify concerns to the proposed pedestrian / cyclist entrance at Annville Park and recommends that the access be omitted from the scheme. The main concern is that the street would be used for overflow car parking to the community use and for deliveries to the site and the negative impact that this would have for existing residents.

11.10.12. The scheme includes 548 no. car spaces and 2 no. dedicated loading bays / servicing areas. The applicants TTA notes that car parking within the scheme would be managed by the management company. It is proposed that a Before and After car

parking survey would of the surrounding residential road network would be undertaken and that the management company would actively engage with residents and the local authority. While it is my opinion that sufficient car parking has been provided to serve the scheme, in accordance with the development plan standards and the Apartment Guidelines, should overspill car parking become an issue it could be managed by the local authority through the introduction of restrictive measures on the surrounding public road. It is also noted that Annville Road is a public road.

11.10.13. While the concerns of the third parties are noted, it is my opinion that the provision of additional connectivity is welcomed and would have wider benefits to the area including decreased travel times to services and amenities proposed within the scheme. It is noted that the planning authority also welcome the increased connectivity and consider that to allow total permeability there should be no restrictions on this access.

11.10.14. As outlined above, the scheme also includes the removal of a significant section of the perimeter wall with Rosemount Green would also allow for improved permeability to the south of the site.

Access

11.10.15. Vehicular access to the site is proposed from the existing access off Dundrum Road and from a new access the south of the existing access also via Dundrum Road. Both accesses are designed as priority junctions. The Dundrum Road (R117) is a north-south regional radial route that provides connectivity between Milltown (Milltown Road) and the city centre to the north and the M50 to the south via Ballinteer Road. It is noted that the site is predominantly bound to the north, south and east by the rear gardens of existing dwellings. The applicant states that the possibility of providing a vehicular access onto Larchfield Road via Rosemount Green to the south was investigated, however, having regard to the zoning objective (Objective F - Open Space) and third party ownership this was not considered a viable option. While it is noted that the planning authority raise concerns that a detailed assessment of alternative access arrangements have not been examined, I am satisfied that having regard to the characteristics of the surrounding environment, that the applicant has

fully investigated potential alternative secondary vehicular access arrangements to the site and that currently the only available option is via Dundrum Road.

11.10.16. Concerns have been raised by the planning authority, the NTA and third parties regarding the requirement for an additional vehicular access onto Dundrum Road and the impact that turning movements may have on traffic flows. It is noted that the report of the planning authority's Transportation Section recommends that permission be refused on the basis of the number, type and locations of proposed accesses, the lack of adequate connectivity with surrounding lands and concerns with the emergency access route via Dundrum Road.

11.10.17. The applicant has justified the additional access onto Dundrum Road stating that it would ensure that all site related traffic is not concentrated at one access point, would reduce potential congestion on Dundrum Road that might arise with a single access point and would reduce pedestrian traffic congestion crossing on Dundrum Road. It is also considered that the additional vehicular access would provide access in case of an emergency, road maintenance etc and it would contribute to the creation of filtered permeability through the development and reduce concentration of vehicular traffic.

11.10.18. I agree with the applicant that an additional secondary access is desirable in the event of an emergency and to allow for pedestrian / cycle permeability. However, having regard to the traffic flows on Dundrum and the number of right hand turning movements that are likely to be generated by the proposed development, I do not agree that 2 no. accesses located c. 100m from each other would reduce potential congestion and I have concerns that additional right hand turning movements to / from Dundrum Road has the potential to cause additional congestion. Therefore, I agree with the NTA's recommendation that the current site entrance should be designated as a secondary access, for use by emergency and refuse vehicles, interim construction traffic, and general traffic only in the event of an incident at the primary access/route. I also agree that to reduce the potential for congestion and improve the capacity of the proposed junction, that this single entry point at the southern end of the site boundary with Dundrum Road should be signalised. It is considered that this could be addressed by way of condition.

Traffic Assessment

- 11.10.19. The majority of the third party submissions noted that there is insufficient capacity on the surrounding road network to accommodate the number of vehicular trips generated by the proposed development. A Technical Note - Traffic and Transport Considerations was submitted with the observation from John Cahill and Margret Glupker. Concerns are also raised by third parties and the planning authority's Transportation Section that the trip rates in the TTA are too low.
- 11.10.20. Traffic Counts were undertaken on Dundrum Road in November 2021. This was compared to counts undertaken in 2019. The results showed that at peak periods traffic flows were slightly lower in 2021. This is a likely result of covid-19. To ensure a robust assessment a 4% growth factor was applied to the November 2021 data, which was used as the baseline traffic for assessment purposes. The Technical Note - Traffic and Transport Considerations submitted with the observation from John Cahill and Margret Glupker, notes that the 2019 surveys have not been included in the TTA and therefore it is unclear of the appropriateness of the figures. I agree that the traffic count figures submitted appear low and that having regard to evidence submitted from third parties, that traffic congestion is experienced on the Dundrum Road during the peak period.
- 11.10.21. The TRICS database has also been used to estimate the number of trips potentially generated by the proposed development. TRICS estimated that the proposed scheme would generate 250 no. trips (52 no. arriving and 198 no. departing) in the AM peak (0800 – 09.00) and 221 no. trips (144 no. arriving and 77 no. departing) in the PM peak (17.00 – 18.00). The TRICS database was also used to estimate the number of trips that the (future) Section 34 planning application for the overall Masterplan lands. TRICS estimated that the overall Masterplan lands has the potential to generate 315 no. trips (97 no. arriving and 218 no. departing) in the AM peak and 286 no. trips (162 no. arriving and 124 no. departing) in the PM peak. A breakdown of the trips by use is provided in Table 7.2 of the TTA. It is noted that these figures differ from those provided in Section 8.2.2, which states that the proposed scheme has the potential to generate 357 no. trips in the AM peak and 340 no. trips in the PM peak. These latter figures are incorporated into the traffic assessment in Section 8 of the TTA.

- 11.10.22. The TTA estimates that the vehicular traffic generated by the development is likely to dissipate across the local road network. It applied a trip distribution of 57% of departing vehicles turning left (south bound) out of the site and 43% turning right (north bound) from the site. with regard to vehicles arriving at the site it is estimated that 57% would arrive from the south of the site and 43% would arrive from the north.
- 11.10.23. The 4 no. priority junctions of (1) Frankfort Park / Rosemount Dundrum Road; (2) Mulvey Park / Dundrum Road; (3) Annaville Park / Dundrum Road; and (4) Highfield / Dundrum Road and the 2 no. proposed vehicular access points (referred to as northern and southern access) were assessed using Picady, and the singalised junction of Bird Avenue / Dundrum Road was assessed using Linsig. The modelling was carried out for the AM and PM peak in 2021 (baseline year), 2024 planned year of opening without the development but including the cumulative impact of other permitted developments and 2024 planned year of opening with the development and including the cumulative impact of other permitted developments. In general a RFC value of 85% or less for an unsignalised junction and a RFC of 90% or less for a singalised junction indicates that the junction is operating with capacity and that no significant delays or queues arise. The analysis indicates that all arms of all junctions work within capacity for all future scenarios. Full details of each junction are provided in Section 8 of the TTA.
- 11.10.24. Having regard to the concerns raised by the planning authority and concerns and photographic evidence submitted by third parties including the assessment carried out in the Technical Note - Traffic and Transport Considerations submitted with the observation from John Cahill and Margret Glupker, and having regard to the information submitted in Traffic Impact Assessments for surrounding developments in particular for ABP – 311287-21, which indicates that the junction of Dundrum Road / Rosemount / Frankfort would reach capacity by 2023 I agree that the figures submitted appear low and that traffic congestion is experienced on the Dundrum Road during the peak periods. However, I am satisfied that the traffic generated by the proposed scheme would not have a significant negative impact on the capacity of the surrounding network which in my opinion is within the norm of a busy urban environment. Therefore, I do not agree with the conclusion of the Technical Note - Traffic and Transport Considerations submitted with the observation from John Cahill

and Margret Glupker that there has been insufficient consideration of the traffic and transport considerations and that permission should be refused on this basis.

Car Parking

11.10.25. Section 12.4.5 of the development plan sets out maximum car parking standards. The western part of the site is generally located in car parking zone 2 (Near Public Transport) while the eastern part of the site is generally located in car parking zone 3 (Rest of the County) as indicated on Map T2. The development plan notes that car parking zones are indicative and there may be potential for an area to move from one zone to another. Having regard to the proposed additional pedestrian links through the site, which decreases journey times to public transport for the overall site as outlined in Figure 4.4 (15 minute walking catchment with the development in place) of the applicants TTA, it is my view that applying car parking zone 2 standards (Near Public Transport) is appropriate in this instance.

11.10.26. Table 12.5 of the development plan sets out maximum car parking standards. The table below provides a breakdown of the proposed use, the development plan standards and the recommended and proposed levels of car parking. The level of proposed car parking is based on Table 5.1 of the applicants TTA.

<i>Proposed Use</i>	<i>DLR Maximum Standard</i>	<i>Recommended</i>	<i>Proposed</i>
3-bed House (7 no.)	2 no. per unit	14 no.	7 no. (1 per unit)
4-bed House (13 no.)	2 no. per unit	26 no.	20 no. (1.5 per unit)
1-bed apartment / studio (476 no. units)	1 no. per unit	476 no.	71 no. (0.15 per unit)
2-bed apartment + duplex (357 no. units)	1 no. per unit	357 no.	179 no. (0.5 per unit)
3-bed apartment + duplex (124 no. units)	2 no. per unit	248 no.	124 no. (1 per unit)
Visitor Parking			62 no.
Car Share Spaces			12 no.
Travel Club			15 no.
<i>Total Residential</i>		<i>1,121 no.</i>	<i>490 no.</i>
Childcare (463 sqm)	1 per 60sqm	7 no.	11 no.

Medical (245sqm)	1 per consulting room	3 no.	6 no.
Restaurant / café (307sqm)	1 per 50sqm	6 no.	5 no.
Retail	None	-	19 no.
Community Facility (1,684sqm)	1 per 150sqm	11 no.	17 no.
Total Non-Residential		27 no.	58 no.
Total Car Parking		1,148 no.	548 .

11.10.27. It is noted that the scheme also incorporates 70 no. motorcycle parking spaces. 4% of all car parking spaces proposed would be allocated for disabled car parking and 10% would have Electric Vehicle charging points.

11.10.28. As outlined in the table above, the development plan sets out a maximum car parking standard of 1,148 no. spaces for the proposed development. It is proposed to provide 548 no. spaces. The proposed residential car parking provision falls below that of the maximum standard within the development plan. However, as these are maximum standards the proposed car parking provision is not considered to be a material contravention of the development plan. The quantum of non-residential car parking spaces in some instances exceeds the development plan standards. It would appear that the quantum of car parking for the non-residential uses was based of the previous development plan standards. A this relates to a standard and not a policy of the plan I do not consider this overprovision to be a material contravention.

11.10.29. The Apartments Guidelines (2020) also state that in intermediate urban locations, close to public transport or close to town centres or employment centres a reduction of overall car parking standards must be considered, and an appropriate standard applied. The subject site is located c. 100m south of Roebuck neighbourhood shops which provides a range of local shops, c.800m (10 minutes' walk) from the Dundrum village and c. 1km from Dundrum Town Centre which provide a wide range of shopping facilities, restaurants, a library, banks, and other services and leisure facilities, which combined result in a vibrant area. UCD is located c. 1.5km east of the subject site and The Beacon Hospital and the employment hub of Sandyford is just

over 3km to the south east of the site. This site is located in an area well served by high capacity and high frequency public transport. Full details of the sites accessibility by public transport are outlined above, in particular it is noted that the site is located within c. 400m from Windy Arbour Luas Stop and c. 800m from Dundrum Luas stop and there are north and south bound bus stops located adjacent to the site on Dundrum Road.

11.10.30. The Planning Authority are of the opinion that a relaxation in the parking standards is appropriate. However, it is considered that to allow for adequate car storage a ratio of 0.7 space per unit is required, which results in a requirement for an additional 194 no. spaces. It is considered that these spaces could be provided by way of basement levels beneath the blocks. The proposed scheme provides 490 no. dedicated residential car parking spaces which equates to a ratio of 0.4 no. spaces per unit. The proposed development also includes 62 no. visitor spaces and 27 no. dedicated car club and car sharing spaces. When these space are combined this results in a ratio of 0.5 no. spaces per residential unit. It is also noted that the provision of dedicated car club / car sharing spaces reduces the need for car ownership. I am satisfied that sufficient car parking has been provided within the site to serve the residential units.

11.10.31. Concerns are raised by third parties and outlined in detail in the Technical Note - Traffic and Transport Considerations submitted with the observation from John Cahill and Margret Glupker, that the quantum of car parking within the proposed development is insufficient would result in overspill car parking onto the surrounding road network. The TTA notes that car parking within the scheme would be assigned to future occupants and managed by the management company. It is proposed that a Before and After car parking survey would be taken of the surrounding residential road network would be undertaken and that the management company would actively engage with residents and the local authority. While it is my opinion that sufficient car parking has been provided to serve the scheme, in accordance with the development plan standards and the Apartment Guidelines, should overspill car parking become an issue it could be managed by the local authority through the introduction of restrictive measures on the surrounding public road.

11.10.32. In conclusion, having regard to the site's urban location within the urban area, its proximity to a variety of public transport modes and proximity to centres of education, employment and a wide range of services and facilities. I am satisfied that the provision of 548 no. spaces is acceptable in this instance and complies with the standards set out in the Apartment Guidelines and the development plan. A Mobility Management Plan was submitted which outlines measures and incentives that would be put in place during the operational phase of the development. It noted that this includes the management support and commitment and a Mobility Manager to oversee the Plan. It is my view that the proposed scheme is in accordance with the provisions of the development plan and the provisions of the Apartment Guidelines and that a reduction of car parking is permissible in this instance.

Cycle Parking

11.10.33. The scheme also includes 2,126 no. dedicated residential cycle parking spaces. The quantum of spaces has been provided in accordance with the standards set out in the Apartment Guidelines of 1 cycle storage space per bedroom and 1 no. visitor space per 2 residential units. An additional 187 no. non-residential cycle parking spaces are provided throughout the scheme and it is anticipated that a public bike share scheme would be operated within the development. It is my view that an adequate number of spaces have been provided within the scheme to serve future residents and visitors, and there is sufficient space within the site to accommodate additional cycle parking, should the future need arise this could be addressed by the management company.

11.11. **Water Services and Flood Risk**

Water Services

11.11.1. The River Slang runs south to north, c 70m west of the site and a drainage ditch runs through the site in an east – west direction. There is an existing public surface water sewer that runs through the site. The sewer enters the site from Rosemount Green to the south and connects into an existing open drainage ditch, along the southern edge of the walled garden. It is noted that this area is indicated as a wayleave on the submitted drawings. This drainage ditch discharges through a grated opening in the eastern boundary wall and runs in a north direction outside of the subject site, in third

party lands. Surface water from the existing buildings on site discharging to a combined drainage system on site which discharges to the combined sewer in the Dundrum Road, connecting at the current site entrance.

- 11.11.2. The existing combined drainage system on site will be decommissioned and removed. The development will be split into three catchments as indicated in Figure 2.2 of the applicants Infrastructure Report. The catchments will be attenuated separately by means of blue roofs and attenuation tanks, which follow approximately the existing site topography and natural drainage routes on site. All the surface water drainage would collect into an underground pipe network. The drainage system will use a variety of SuDS measures including green roofs, blue roofs, permeable paving, attenuation, bio-retention and tree pits. Catchment A, in the north western portion of the site would drain to the River Slang, via an existing surface water sewer. Catchment B1 in the southern portion of the site would drains to the open drainage ditch on site and Catchment B2 in the north western portion of the site would drain to the open drainage ditch outside the site. The planning authority raise no objection in principle to the surface water proposals, however, it is recommended that a condition be attached to any grant of permission that wayleaves for all drainage elements in the public areas be provided. It is considered that this could be addressed by way of condition.
- 11.11.3. The foul drainage from the existing buildings on site drains to a combined sewer on the Dundrum Road. The proposed foul drainage system will connect to the combined sewer in the Dundrum Road. The submission from Irish Water states that this connection is feasible subject to upgrades.
- 11.11.4. In respect of water availability, the submission from Irish Water notes water a connection to the existing network is feasible subject to an upgrade of the existing main on Dundrum Road.
- 11.11.5. Concerns are raised by third parties that there is no capacity in the water and wastewater networks to accommodate the development. Having regard to the information submitted by the applicant, which is robust and evidence based, and to the submission from the Irish Water, I am satisfied that there is sufficient capacity within the public network to accommodate the proposed development and are no

infrastructural aspects to the proposed development that present any conflicts or issues to be clarified.

Flood Risk

- 11.11.6. The subject site is located within Flood Zone C. The OPW maps indicate that there is no record of historic flood on the site. A Site-Specific Flood Risk Assessment (FRA) was submitted which considered the potential sources of flooding and mitigation measures. Concerns are raised by third parties regarding flood risk from the River Slang
- 11.11.7. **Fluvial Flooding:** Based on the site topography and the direction of falls the site divides into two natural catchments, the River Slang and the open channel drainage ditch.
- 11.11.8. *River Slang catchment:* The western site boundary is c. 55m from the River Slang, which runs towards the River Dodder 1km south of the site. The estimated 100-year storm level is c. 1.5m lower than the lowest point of the subject site, at the existing Dundrum Road entrance. Predicted floods levels do not encroach on the subject site. Therefore, the risk of fluvial flooding from the Slang River impacting upon the subject development is negligible and no mitigation measures are required.
- 11.11.9. *Open channel drainage ditch:* A drainage ditch flows in a west – east direction through the site. It is typically 600mm wide with steeply sloping sides and is between 600mm & 1000mm deep. The maximum recorded depth in the ditch was 140mm. The drainage ditch runs parallel to the sites eastern boundary wall, outside of the subject site, on third party lands. The majority of the site drains naturally towards this ditch and the proposed scheme has been designed to control run-off to the ditch. The applicants Infrastructural Report notes that there is no evidence of flooding associated with this drainage ditch or further downstream. Having regard to the information submitted I am satisfied that fluvial flooding from the ditch impacting upon the subject development or adjacent site is negligible and no mitigation measures are required.
- 11.11.10. **Pluvial Flooding:** There is no record of pluvial flooding occurring on the site. The existing combined drainage system on site will be decommissioned and removed. All rain water will be collected in the new surface water drainage system to prevent

any excess surface entering the River Slang or the drainage ditch which runs through the site. The system is designed for a 100 year storm, +20% Climate Change.

11.11.11. In the event of a potential network system blockage no adverse effect are anticipated to residential units with surface water flowing towards attenuation tanks or other SUDS measures and areas of open space.

11.11.12. The total discharge for the drained areas of the proposed development is less than the natural catchment or the overall site. I am satisfied that the risk of pluvial flooding within the site is negligible and the proposed scheme would not increase the risk of flooding to adjoining or downstream areas.

11.11.13. **Groundwater** was recorded in 13 no. boreholes and 12 no. trial pits during the site investigation works. The applicants Infrastructural Report states that this is likely to be groundwater perched on top of the impermeable clays which cover the site beneath a thin layer of topsoil & made ground. Basements and half-basements in the proposed development will be waterproofed externally with an outer tanking to prevent groundwater ingress. The site is not considered to be at risk from groundwater flooding.

11.11.14. **Coastal Flooding:** The site is located c. 3km from the coast. There is no risk from coastal flooding to the proposed development.

11.11.15. Having regard to the sites location in Flood Zone C and to the information submitted, which is robust, and evidence based, I am satisfied that the proposed development would not result in a potential flood risk within the site or to any adjoining sites and I am satisfied that there are no infrastructural aspects to the proposed development that present any conflicts or issues to be clarified.

11.12. **Material Contravention**

11.12.1. The applicant submitted a Material Contravention Statement with respect to the Dun Laoghaire Rathdown County Development Plan 2016 – 2022, as this was the relevant statutory plan in place at the time the application was lodged. The statement provides a justification for the material contravention of the requirement for a Masterplan in an INST context; Residential Density in an INST context; Building Height; Housing Mix;

Separation Between Blocks; Internal Storage for Apartments; Floor Areas for Apartments; Private Open Space for Apartments; Dual Aspect Ratios; Car Parking; Private Open Space for Houses; and Separation Distances for Houses.

11.12.2. The Dun Laoghaire Rathdown County Development Plan 2022 – 2028 was adopted and came into effect in April 2022 and is now the relevant statutory plan. Therefore, the potential material contraventions of the previous Dun Laoghaire Rathdown County Development Plan 2016 – 2022 are not considered relevant at this time.

11.12.3. Appendix B of the applicants Material Contravention Statement also addressed and justified any potential material contraventions of the Draft Dun Laoghaire Rathdown County Development Plan 2022 – 2028 with regard to the following:

- The 'INST' (Institutional) designation and masterplan
- The 'INST' (Institutional) designation and Residential Density
- Housing Mix
- Separation Between Blocks
- Glazing in Habitable Rooms
- Car Parking
- Private Open Space for Houses
- Separation Distances for Houses
- Number of Apartment Units per Core per Floor
- Loading Bays

The 'INST' (Institutional) designation and masterplan

11.12.4. Section 4.3.1.4 of the development plan states that any proposal for development other than that directly related to an existing social infrastructure and/or institutional uses, will require the preparation and submission of a masterplan. Section 12.3.7.11 further states that such a Masterplan must adequately take account of the built heritage and natural assets of a site and established recreational use patterns. A Masterplan was submitted with the application and includes an overall site layout plan for the entire landholding that is subject to the 'INST' objective. The masterplan

indicates the relationship between the proposed development and the existing built and natural heritage on the site and adjacent to the site. The Masterplan states that while there has been collaboration with the planning authority the masterplan has not been adopted or agreed with the local authority. The planning authority consider that the masterplan is adequate to satisfy the requirements set out in the development plan for the redevelopment of Institutional lands. It is also noted that this requirement for a masterplan does not related to any policy of the development. I am satisfied that the proposed development is in accordance with the requirements of Section 4.3.1.4 and Section 12.3.7.11 and the submitted masterplan is not a material contravention of the development plan.

The 'INST' (Institutional) designation and Residential Density

- 11.12.5. With regard to development on institutional lands, Section 4.3.1.4 of the development plan states that average net densities should be in the region of 35 - 50 units p/ha. In certain instances, higher densities may be permitted where it can be demonstrated that they can contribute towards the objective of retaining the open character and/or recreational amenities of the lands.
- 11.12.6. The proposed scheme has a net density of 102 units per ha. I am satisfied that Section 4.3.1.4 allows for higher density where a development contributes towards the objective of retaining the open character and/or recreational amenities of the lands. As noted above, significant public open space is proposed as part of this development which would link to existing public open space at Rosemount Green. The scheme also incorporates existing mature trees and vegetation and it is proposed to provide significant additional planting and landscaping. In my view the quantity and quality of open space would ensure that the open character of the lands is retained and enhanced. It is also noted that the planning authority consider that on the basis of the proposed layout, height and open space provision it is considered that the density could be delivered without impacting on the open character of the lands. It is also noted that the density range set out in Section 4.3.1.4 does not relates to a policy of the development plan. I am satisfied that the proposed development is in accordance with the requirements of Section 4.3.1.4 and the proposed density is not a material contravention of the development plan.

Housing Mix

11.12.7. Table 12.1 of the development plan sets out apartment mix requirement for schemes of 50+ units in the existing built up area. In general, the proposed unit mix does not comply with the quantum's set out in Table 12.1. It states that apartment developments may include up to 80% studio, one and two bed units. The proposed scheme incorporates 85.3% studio's, 1-bed and 2-bed units equate to 85.3%. It also states that no more than 30% of the overall development should comprise a combination of one bed and studio. The scheme incorporates 48.8% studio and 1-bed units. It also states that a minimum of 20% should be 3+ bedrooms. Therefore, the proposed unit mix does not comply with requirements set out in Table 12.1. It is noted that the standards set out in Table 12.1 do not relate to a policy of the plan. While I have some concerns regarding the proposed unit mix, which are outlined in Section 10.6 above, I am satisfied that the proposed unit mix is not a material contravention of the development plan.

Glazing in Habitable Rooms

11.12.8. The applicant notes that Section 12.3.4.2 of the draft development plan stated that glazing to all habitable rooms should not be less than 20% of the floor area of any habitable room. This section of the draft plan was amended and this standard is no longer applicable. I am satisfied that the proposed glazing to habitable rooms is not a material contravention of the development plan.

Car Parking

11.12.9. Table 12.5 of the development plan sets out maximum car parking standards which require a maximum of 1,148 no. car parking spaces for the proposed development. It is proposed to provide 548 no. car parking spaces. The proposed residential car parking provision of 490 no. spaces falls below that of the maximum standard of 1,121 no. spaces. As these are maximum standards the proposed car parking provision is not considered to be a material contravention of the development plan. The quantum of non-residential car parking spaces in some instances exceeds the development plan standards as it would appear that the quantum of car parking for the non-residential uses was based of the previous development plan standards. As the car parking standards do not related to a policy of the plan I do not consider this

overprovision to be a material contravention. Having regard to the site's location within the urban area, its proximity to a variety of public transport modes and proximity to centres of education, employment and a wide range of services and facilities. I am satisfied that the provision of 548 no. spaces is acceptable in this instance and complies with the standards set out in the development plan and the Apartment Guidelines.

Private Open Space for Houses

11.12.10. Section 12.8.3.3(i) of the development plan states that all houses shall provide an area of good quality usable private open space behind the front building line. Minimum open space standards for each house type are provided in Table 12.10 with a requirement of 60sqm for a 3-bed house and 75sqm for a 4+ bed house. The proposed development includes 20 no. houses. Block 02 incorporates 7 no. 3-bed houses. The private open space associated with these houses all reach or exceed the minimum standard of 60sqm. Block 08 comprises 7 no. 4-bed houses. The private open space provision for 5 no. houses reaches or exceeds the minimum standard of 75sqm. For the remaining 2 no. houses the private open space ranges from 69sqm to 70sqm. Block 09 comprises 6 no. 4-bed houses, none of which reach the recommended standard of 75sqm. The private open space provision for these houses ranges from 63sqm to 67sqm. It is acknowledged that the private open space provision for some of the houses does not reach the minimum standards set out in Table 12.10 it is my view that sufficient good quality useable private open space has been provided for each dwelling. It is also noted that these standards do not relate to a policy of the development plan. I am satisfied that the proposed provision of private open space for the houses is not a material contravention of the development plan.

Separation Distances for Houses

11.12.11. Section 12.8.7.1 of the development plan states a minimum standard of 22 metres separation between directly opposing rear first floor windows should usually be observed, for new developments. This normally results in a minimum rear garden depth of 11 metres. Section 12.3.1 states that a minimum clearance distance of circa 22 metres, in general, is required, between opposing windows in the case of apartments up to three storeys in height. In certain instances, depending on

orientation and location in built-up areas, reduced separation distances may be acceptable. As noted in Section 10.8 above, there are certain instances where the separation distances fall below 22m between existing and proposed residential units and between the proposed blocks. It is my opinion that the proposed separation distances between the blocks and between the blocks and existing properties achieves a balance of protecting the residential amenities of future and existing occupants from undue overlooking and overbearing impact and achieving high quality urban design, with attractive and well connected spaces that ensures a sense of enclosure and passive overlooking of public / communal spaces. This 22m separation distance standard does not relate to a policy within the development plan and there is sufficient flexibility within the wording of the development plan to allow for a reduction in the standard, therefore, it is my opinion that this is not a material contravention of the development plan.

Number of Apartment Units per Core per Floor

11.12.12. Section 12.3.5.6 of the development plan states that a maximum of 12 no. apartments per floor per core may be provided in apartment schemes. Within the scheme there are no floors which provided 12 no. apartments served by only 1 no. core. It is noted that within Block 05 at first, second and third floor level, 13 no. units are provide along the same corridor. However, these units are served by 2 no. cores, 1 no. core provides 2 no. lifts and a stair case and the second core is a stair case only. It is my view that this layout is in accordance with the provisions of the development plan and I agree with the applicant that it provides for sufficient circulation spaces and escape opportunities. It is also noted that this standard of the plan does not relate to a policy. I am satisfied that the proposed development is not a material contravention of Section 12.3.5.6 of the development plan.

11.12.13. Loading Bays

Section 12.4.5.7 states that residential developments of more than 50 units should have at least one loading bay and there shall be a ratio of not less than 1 loading bay per 100 units in larger developments. Drawing no. DCD-RAU-02-SW_ZZ-DR-A-1010 indicates that 2 no. dedicated loading bays to serve the commercial elements within the scheme, 1 no. loading bay is located to the south of Block 03 and 1 no. loading

bay is located to the to the south of Block 07. This car parking layout plan also indicates that there are sufficient car parking spaces located along the internal road network that would provide informal loading areas. I am satisfied that sufficient loading bays have been provided within the scheme to serve a development of this scale. It is also noted that the standard set out in Section 12.4.5.7 does not relate to a policy of the development plan. I am satisfied that the proposed quantum of loading bays is not a material contravention of the development plan.

Conclusion

11.12.14. As outlined above, I am satisfied that the proposed development does not materially contravene the Dun Laoghaire Rathdown County Development Plan 2022 – 2028 with regard to the ‘INST’ (Institutional) designation and masterplan; the ‘INST’ (Institutional) designation and Residential Density; Housing Mix; Separation Between Blocks; Glazing in Habitable Rooms; Car Parking; Private Open Space for Houses; Separation Distances for Houses; Number of Apartment Units per Core per Floor; or Loading Bays.

12.0 **Environmental Impact Assessment (EIA)**

12.1. ***Environmental Impact Assessment Report***

This section sets out an Environmental Impact Assessment (EIA) of the proposed project and it should be read in conjunction with the planning assessment above. The proposed development provides for 977 no. residential units and c. 3,889sqm of non-residential uses. These non-residential uses are generally provided at the ground floor level throughout the scheme and comprise a café (78sqm), Childcare Facility (463sqm), Medical Centre (245sqm), Restaurant (307sqm), retail (1,111sqm) and a Community Facility (1,684sqm) on a site area of 9.6 ha. The site is located within the administrative area of Dun Laoghaire Rathdown County Council.

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

- Construction of more than 500 dwelling units

- Urban Development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.
- 12.1.2. The current proposal is an urban development project that would be in the built-up area of a city but not in a business district. It is therefore within the class of development described at 10(b) of Part 2 of Schedule 5 of the planning regulations, and the submission of an environmental impact assessment report is mandatory because the scale of the proposed development exceeds 500 dwellings. The EIAR comprises a non-technical summary, a main volume and supporting appendices. Table 1.3 of the EIAR identifies the EIA Team and the introduction to each subsequent chapter describes the expertise of those involved in the preparation of the EIAR.
- 12.1.3. As is required under Article 3(1) of the amending Directive, the EIAR describes and assesses the direct and indirect significant effects of the project on the following factors: (a) population and human health; (b) biodiversity with particular attention to the species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC; (c) land, soil, water, air and climate; (d) material assets, cultural heritage and the landscape. It also considers the interaction between the factors referred to in points (a) to (d). Article 3(2) includes a requirement that the expected effects derived from the vulnerability of the project to major accidents and / or disasters that are relevant to the project concerned are considered.
- 12.1.4. I am satisfied that the information contained in the EIAR has been prepared by competent experts and complies with article 94 of the Planning and Development Regulations 2000, as amended. The EIAR would also comply with the provisions of Article 5 of the EIA Directive 2014. This EIA has had regard to the information submitted with the application, including the EIAR, and to the submissions received from Dun Laoghaire Rathdown County Council, the prescribed bodies and members of the public which are summarised in sections 7, 8 and 9 of this report above. Concerns are raised by third parties that the process provided for under the 2016 Act contravenes the requirements of the EIA Directive and the public participation requirements set out. I am satisfied that the participation of the public has been effective, and the application has been made accessible to the public by electronic and hard copy means with adequate timelines afforded for submissions.

12.2. ***Vulnerability of Project to Major Accidents and/or Disaster***

12.2.1. 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. The EIAR addresses this issue in Table 2.1 under the heading Scoping Exercise – Potential for Significant Effects Arising from the Proposed Development and within a number of chapters within Volume I of the EIAR. I note that the development site is not regulated or connected to or close to any site regulated under the Control of Major Accident Hazards Involving Dangerous Substances Regulations i.e. SEVESO. Therefore, this is not a source for potential for impacts. There are no significant sources of pollution in the development with the potential to cause environmental or health effects. Chapter 7 Population and Human Health addresses the impact of major accidents and disasters on the population and considers that the proposed development site presents risks of major accidents or disasters, either caused by the scheme itself or from external manmade or natural disasters. Chapter 9 Land, Soils, Geology and Hydrogeology of the EIAR address the issue of flood risk and a standalone Site Specific Flood Risk Assessment has been submitted with the application. The site is not at risk of flooding as the proposed development will have not have an impact on floodplain storage and conveyance. The likelihood of flooding is further minimised with adequate sizing of the on-site surface network and SuDS measures. Adequate attenuation and drainage have been provided for to account for increased rainfall in future years. In addition, as the proposed development is primarily residential in nature and will not require large scale quantities of hazardous materials or fuels. I am satisfied that the proposed use is unlikely to be a risk of itself. Having regard to the sites zoning objective, its urban location and the previous residential use on the site, I am satisfied that there are unlikely to be any effects deriving from major accidents and or disasters.

12.3. ***Alternatives***

12.3.1. Article 5(1)(d) of the 2014 EIA Directive requires:

(d) 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;

12.3.2. Annex (IV) (Information for the EIAR) provides more detail on ‘reasonable alternatives’:

2. A description of the reasonable alternatives (for example in terms of project design, technology, location, size and scale) studied by the developer, which are relevant to the proposed project and its specific characteristics, and an indication of the main reasons for selecting the chosen option, including a comparison of the environmental effects.

12.3.3. Chapter 4 of volume I of the EIAR outlines the consideration of alternatives. The Do Nothing alternative was considered. The do-nothing scenario is considered to have a negative impact in terms of housing provision and associated local services and community and public open space provision. It is also expected that negative impact would arise in respect of the Central Mental Hospital buildings and grounds on the basis that they would likely become disused following the scheduled move of the facility to Portrane. Further to this, the do-nothing scenario is likely to be neutral in environmental terms, in respect of land, soils, geology and hydrogeology, noise and vibration, townscape and visual impact assessment, archaeology and cultural heritage, waste, built services and roads and traffic. In relation to biodiversity, if the site was to remain undeveloped, it is expected that the biodiversity value would increase as a result of neglect or a reduction in maintenance of the site. Having regard to the sites location and zoning objective the do-nothing scenario was discounted.

12.3.4. With regard to alternative locations, it is noted that the proposed site is identified at a national level and interconnected with the legislated remit of the LDA (as per the Affordable Housing Bill 2020 and Land Development Agency Act 2021.) As such the site is considered appropriate for a development of the proposed nature and will deliver housing on state lands, in line with an identified national priority. The EIAR outlines 6 no. alternative designs and layouts for the redevelopment of the site, which include the proposed scheme and the scheme submitted at pre-app stage.

12.3.5. Alternative designs and layouts were also considered during the masterplan process to establish the optimum design solution. The alternatives that were considered were

largely restricted to variations in height, layout and building design, access arrangements and processes. I am satisfied that the alternative designs and layouts have been adequately explored for the purposes of the EIAR. In the prevailing circumstances the overall approach of the applicant is considered reasonable, and the requirements of the directive in this regard have been met.

12.4. ***Consultations***

12.4.1. I am satisfied that the participation of the public has been effective, and the application has been made accessible to the public by electronic and hard copy means with adequate timelines afforded for submissions

12.5. ***Likely Significant Direct and Indirect Effects***

12.5.1. The likely significant indirect 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:

- Population and Human Health
- Biodiversity
- Land, Soils, Geology and Hydrogeology
- Hydrology
- Air Quality and Climate
- Noise and Vibration
- Landscape and Visual
- Cultural Heritage and Archaeology
- Architectural Heritage
- Micro-Climate – Wind
- Material Assets – Roads and Traffic
- Material Assets – Waste
- Material Assets – Built Services
- Interactions
- Cumulative Impacts
- Mitigation Measures

12.6. ***Population and Human Health***

- 12.6.1. Population and Human Health is addressed in Chapter 7 of the EIAR. The methodology for assessment is described as well as the receiving environment. The subject site is located within the Clonskeagh-Windy Arbour ED. Recent demographic and socio-economic trends are examined.
- 12.6.2. During the construction phase it is likely that there would be indirect direct positive effect for the local economy. The main negative effects would be in relation to air quality, noise and vibration, visual effects and traffic. The predicted impact during the construction phase is short-term, negative and imperceptible. During the operational phase the scheme would contribute to the population growth and would have a positive impact on employment, open space and community facilities. The predicted impact during the operational phase is long-term, neutral and imperceptible with respect to the operational phase in terms of human health impacts.
- 12.6.3. Cumulative Impacts with other projects are outlined in Section 7.9. It is considered that there is no potential for significant impact as a result of the proposed development.
- 12.6.4. I am satisfied that potential effects 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 effects on population and human health.

12.7. ***Biodiversity***

- 12.7.1. Chapter 8 of the EIAR addresses biodiversity. The biodiversity chapter details the methodology of the ecological assessment. It is noted that an Appropriate Assessment Screening Report and a Natura Impact Assessment were prepared as standalone documents. As assessed in section 13 below, the proposed development was considered in the context of any site designated under Directive 92/43/EEC or Directive 2009/147/EC
- 12.7.2. A desk study was undertaken and included review of available ecological data. The following surveys were carried out: -

- Habitat Survey – August 2020 and August 2021
- Flora Survey - August 2020 and August, September and October 2021
- Bat Survey – August 2020 and August and October 2021
- Mammal Survey – February 2021
- Wintering Bird Survey – September 2020 to March 2021 and November 2021 to February 2022

12.7.3. The site is relatively poor in terms of biodiversity value, as much of the site is highly maintained. The site incorporates built land (BL) and the majority of the open space within the site is amenity grassland (GA2) with scattered trees and parklands (WD5). The site also includes areas of Dry meadow and grassy verge (GS2), scrub (WS1) and treelines and hedgerows (wL1). There were no rare or protected species recorded on the site. There are no rare or protected habitats recorded within the study area. No rare or threatened plant species were recorded.

12.7.4. *Invasive Species:* A small stand of Himalayan balsam was noted on the site. There is potential during the construction phase for this invasive species to be spread outside the boundary of the proposed development, thus impacting negatively on adjoining habitats. However, control measures will be carried out on the Himalayan balsam on site as outlined in the CEMP. Any potential risks from this invasive species would be managed during the construction phase and, therefore, there is no risk from the spread of invasive species during the operational phase has been identified.

12.7.5. *Mammals:* The survey yielded few signs of mammals other than foxes. It is noted that the site is isolated and surrounded by high walls. It is recommended that a pre-construction inspection should be carried out. However, the overall impact of the development on common species is considered as not significant.

12.7.6. *Bats:* No evidence of bat activity was noted in the buildings. A single Leisler's bat was observed emerging from a Horse Chestnut (Tree 0401) on the eastern section of the site. Foraging activity was noted of a common pipistrelle. The removal of the trees on site will result in a loss of foraging areas and a loss in potential bat roosts and artificial light has the potential to disturb bat species. Low impact lighting has been chosen in the vicinity of the retained treeline. Therefore, the proposed lighting plan should not significantly impact the bat species that will utilise the retained treelines. The mitigation

measures outlined in Section 8.5 also indicate that 10 bat boxes would be provided within the scheme. With the implementation of appropriate mitigation measures no significant impacts on are likely.

- 12.7.7. *Birds*: Black-headed gull flocks and Brent goose flocks were observed on one occasion commuting over the proposed development site and curlew flocks were observed on two occasions commuting over the proposed development site. The proposed development site is of a local importance (lower value) for terrestrial bird species that are relatively common in the Irish countryside. No species of high conservation status were recorded within the proposed development site. During the construction phase common bird species will be displaced and are no longer likely to use the site. Given the availability of similar habitat in the immediate vicinity, birds are likely to readily breed and/or forage in nearby habitats. The mitigation measures outlined in Section 8.5 indicate that native species would be chosen in all landscaping schemes and that 45 bird boxes would be provided within the scheme. The impact on common bird species is considered as not significant. It is also considered that no significant impacts on are likely on wintering birds.
- 12.7.8. *Amphibians and Reptiles*: Frogs and newts may occur on site on site. There is no loss of habitat on site as the drain will be maintained on site and a detention basin will be created. Common lizard was not noted on site. There would be some initial disturbance of adjacent habitats during construction which could potentially impact on amphibians. A pre-construction inspection should be carried out. New ponds and water features proposed as part of the scheme would encourage frogs within the area. The overall impact is considered to be neutral-positive.
- 12.7.9. No cumulative effects are foreseen.
- 12.7.10. Having regard to the present condition of the site, with no special concentrations of flora or fauna, I am satisfied that the development of the site and the proposed landscaping and planting provides greater benefits in terms of biodiversity. I draw the Boards attention to the AA section of my report (Section 12) where the potential impact of the proposed development on designated European sites in the area is discussed in greater detail.

12.8. ***Land, Soils, Geology and Hydrogeology***

- 12.8.1. Section 9 of the EIAR addresses land, soil, geology and hydrogeology. The methodology for assessment is described as well as the receiving environment. Site investigation works were carried out in November 2019. A Site Investigation Report is provided in Appendix 9.1.
- 12.8.2. The bedrock is identified as a combination of dark limestone and shale and was located c.8.5m below ground level. The maximum excavation depth for lift pits in basements is anticipated to extend to a depth of c.4.5m below ground level. It is anticipated that the general development site works, and excavation proposals will not impact the underlying bedrock geology during the construction phase.
- 12.8.3. Teagasc soil maps classify soils beneath most of the site as Urban. The initial development of the site will involve extensive stripping of the topsoil and existing hardstanding (approximately the upper 300mm of soil). Excavation of subsoil layers is required to facilitate site development works. Bulk excavation is also required for several basements in the development. Reusable excavated soils and rock will be retained on-site for backfilling or drainage purposes to reduce the total volume of imported & exported material. Non-reusable surplus subsoil caused by excavations for foundations, roads and drainage should be stockpiled and taken off-site to a licensed landfill facility. It is anticipated that the impact on soils arising from the construction phase will be negative, temporary and not significant.
- 12.8.4. There is a potential risk of localised contamination of the land and soils due to the accidental release of diesel fuel or similar hazardous materials during the construction phase.
- 12.8.5. In addition, small amounts of asbestos may be encountered as part of the demolition of existing infrastructure on site. Asbestos survey should be prepared in advance of any works being undertaken on site. In the unlikely event that asbestos is encountered the local authority are to be notified immediately, and a specialist contractor is to be commissioned to remove and dispose of any asbestos safely.

- 12.8.6. The completed scheme would negate the initial negative impact from the construction phase and would protect the exposed soils from ongoing weathering and erosion. No indirect impacts on the land and soils are predicted for the operational phase.
- 12.8.7. No cumulative impacts were identified during the construction or operational phase.
- 12.8.8. I am satisfied that potential effects 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 effects on land, soil, geology and hydrogeology.

12.9. ***Hydrology (Surface Water)***

- 12.9.1. Chapter 10 of the EIAR deals with hydrology. The methodology for assessment is described as well as the receiving environment. My assessment of Water Services and Flood Risk in Section 10.11 above also considers these matters and I refer the Board to same.
- 12.9.2. The Slang River runs c. 70 m west of the site. There is no direct hydrological connection between the site and the Slang River. However, there is an indirect connection to the River Slang through surface water drainage on the existing site. This stream is a tributary of the River Dodder and provides a direct and natural hydrological connection to Dublin Bay. A drainage ditch runs through the site. This ditch joins to the Elm Park Stream c. 220m from the site and ultimately discharges to Dublin Bay.
- 12.9.3. The foul and surface water drainage from the existing buildings on site drains to a combined drainage system within the site which discharges to the combined sewer on the Dundrum Road. The combined sewer drains towards the Dodder River and ultimately discharges into Ringsend Wastewater Treatment Plant.
- 12.9.4. The existing combined drainage system on site will be decommissioned and removed. Connections to existing public drainage and water supply services works are proposed. The proposed foul drainage system will be designed to take discharges from the new residential units.

- 12.9.5. A new surface water sewer will be laid. During excavation works, only limited groundwater ingress is expected into the excavation. As such, some minor de-watering will be required to remove any groundwater or rainwater accumulations. It is envisaged that the water to be discharged will be clean groundwater as the areas to be excavated are not contaminated. It is, therefore, proposed that the water be discharged into the existing sewer network on the surrounding public roads. Extensive monitoring will be adopted to ensure that the water is of sufficient quality to discharge to the sewers.
- 12.9.6. The proposed surface water drainage system will be split into three catchments as indicated in Figure 10.7 of the EIAR. The catchments will be attenuated separately by means of blue roofs and attenuation tanks, which follow approximately the existing site topography and natural drainage routes on site. All the surface water drainage would collect into an underground pipe network. The drainage system will use a variety of SuDS measures including green roofs, blue roofs, permeable paving, attenuation, bio-retention and tree pits. Catchment A, in the north western portion of the site would drain to the River Slang, via an existing surface water sewer. Catchment B1 in the southern portion of the site would drain to the open drainage ditch on site and Catchment B2 in the north western portion of the site would drain to the open drainage ditch outside the site.
- 12.9.7. The Site Specific Flood Risk Assessment indicates that the site is not at a significant risk from flooding and would not create a significant risk to adjoining areas or downstream. The importance of the hydrological features at this site is rated as 'Low Importance'.
- 12.9.8. During the construction phase of the proposed development there are several potential processes that could impact the existing surface water, foul water and watermain networks, however, these would be mitigated against by measures outlined in Section 10.6 of the EIAR. The potential impact on the surface water and hydrology during construction is considered to have a short term – imperceptible impact with a neutral impact on quality.
- 12.9.9. During the operational phase the site would be served by existing water supply and foul water network. There no discharges to any open water courses. There will be an

increase in hardstanding area associated with the development area. This will have a minor effect on local recharge to ground. However, the surface water network has been designed to provide sufficient capacity to contain and convey all surface water runoff associated with the 1 in 100 year event to the attenuation basins without any overland flooding. The impact on hydrology will be long term-imperceptible-neutral and negligible magnitude.

12.9.10. The cumulative impact is considered to be short-term, neutral and imperceptible during the construction phase and the operational phase.

12.9.11. I have considered all of the written submissions made in relation to hydrology and the relevant contents of the file including the EIAR. I am satisfied that subject to the implementation of the measures described in the EIAR the proposed development would not be likely to have a significant effect on water. With regard to cumulative impacts, no significant cumulative impacts on the water environment are anticipated.

12.10. ***Air Quality and Climate***

12.10.1. Air Quality and Climate Change are outlined in chapter 11 of the EIAR. The methodology for assessment is described.

12.10.2. Concerns are raised by third parties that the submitted information does not describe the impact during the construction phase with regard to dust.

12.10.3. With regard to the construction stage the greatest potential for air quality impacts is from dust emissions. Impacts to climate can occur as a result of vehicle and machinery emissions. Any potential dust impacts can be mitigated through the use of best practice and minimisation measures which are outlined in Section 11.5 of the EIAR. Therefore, dust impacts will be short-term and imperceptible at all nearby sensitive receptors.

12.10.4. In terms of the operational phase the proposed development and associated open spaces would not accommodate activities that would cause emissions that would be likely to have significant effects on air quality. The local air quality modelling assessment of operational phase traffic concluded that levels of traffic-derived air pollutants resulting from the development will not exceed the ambient air quality

standards either with or without the proposed development in place. The impact of the development in terms of NO₂ is long-term, localised, negative and imperceptible.

12.10.5. The proposed development is not predicted to significantly impact climate during the operational stage. Increases in traffic derived levels of CO₂ have been assessed against Ireland's EU GHG targets. Changes in CO₂ emissions are significantly below the EU targets and therefore the climatic impact in the operational stage is considered long-term, negative and imperceptible. In addition, the proposed development has been designed to minimise the impact to climate where possible during operation

12.10.6. There are no significant cumulative impacts to air quality or climate predicted for the construction or operational phases.

12.10.7. I have considered all of the written submissions made in relation to air quality and climate. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of proposed scheme. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of air quality and climate.

12.11. **Noise and Vibration**

12.11.1. Section 12 of the EIAR deals with noise and vibration. The methodology for assessment is described. A desk study was undertaken and included review of available published data. Attended baseline noise monitoring was undertaken in April 2021 and unattended monitoring was undertaken in October 2021. 2 no. unattended noise surveys were undertaken within the site to obtain long term measurements and 4 no. attended monitoring locations were undertaken in close vicinity of the proposed site as a representative of the existing noise environment at the closest noise sensitive locations. Details of the locations are provided in Section 12.3.3.2 of the EIAR. Prevailing noise levels in the locality are primarily due to local road traffic, human activity and birdsong.

12.11.2. The site is located within an existing urban area and there are noise sensitive receptors (existing residential properties) at the site's boundaries. Details of which are provided in Section 12.4.1.1.

- 12.11.3. The demolition and construction phase will involve intrusive works and high noise activities, utilities and structural works, substructure and lower noise activities and there is the potential for some temporary significant noise impacts at the closest receptor when intrusive works are undertaken. Concerns are raised by third parties that the submitted information does not adequately describe the impact during construction in terms of noise and vibration and that the length of the construction phase would have a negative impact on existing residents due to noise and disturbance. Section 8 of the Construction Management Plan indicates that construction would be carried out in 5 no. phases over c. 6 years and 2 months. While it is acknowledged that the proposed construction phase would cause noise and disturbance the works would be temporary, and it is noted that the majority of the construction works will take place at significant distances from the receptors. Therefore, no significant impacts are predicted. The use of best practice noise control measures, hours of operation, scheduling of works within appropriate time periods, strict construction noise limits and noise monitoring during this phase will ensure impacts are controlled to within the adopted criteria.
- 12.11.4. Vibrations impacts may occur during the construction phase as a result of ground preparation works and plant and machinery movements. Construction vibration impacts are considered to be neutral, not significant and short-term. Vibration impacts will be controlled through the use of low impact equipment and adherence to strict limit values which will be subject to monitoring at the nearest sensitive buildings.
- 12.11.5. During the operational phase, the predicted change in noise levels associated with additional traffic in the surrounding area required to facilitate the development is predicted to be of no significant impact along the existing road network with neutral, not significant and long-term impact to nearby residential locations. No significant sources of vibration are expected to arise during the operational phase of the development. Noise and vibration levels associated with operational plant are expected to be well within the adopted noise limits at the nearest noise sensitive properties.
- 12.11.6. As outlined above in my planning assessment concerns are raised by third parties that the proposed scheme would have a negative impact on existing residential amenities in terms of noise disturbance. Section 12.4.2.6 notes that at the nearest noise sensitive

locations are likely to be within the development itself. The maximum capacity will be designed to be within the adopted daytime criterion of 55 dB LAeq during the daytime period. Existing properties are likely to be at a greater distance and as such the impact will be less. At detailed design stage further assessment will be carried out to identify if those properties within the development itself would require enhanced façade specification. Given that sensitive receivers within the proposed development are much closer than off-site sensitive receivers, once the relevant noise criteria are achieved within the proposed development, it is expected that there will be not significant negative impact at sensitive receivers off site. Notwithstanding this, in the interest of residential amenity I agree with the planning authority that a condition should be attached to any grant of permission restricting the hours of operation of the non-residential uses to ensure they do not cause undue noise disturbance to existing and future residents.

12.11.7. With regard to inward noise disturbance the western facades of blocks which are adjacent to Dundrum Road, are expected to require enhanced sound insulation specifications for glazing to achieve suitable internal noise levels.

12.11.8. Potential cumulative impacts have been examined. Mitigation measures are proposed for both the construction and operational phases in relation to noise and vibration.

12.11.9. I have considered all of the written submissions made in relation to noise and vibration. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of noise or vibration.

12.12. ***Landscape and Visual***

12.12.1. Section 13 of the submitted EIAR deals with landscape and visual. The methodology for assessment is described and the receiving environment is described. The environmental impacts from the proposed development are detailed in the EIAR, to avoid repetition and to be clear, I have assessed in detail the impact of the scale and height of the proposed development on the urban environs of the site from an urban design and planning context in the planning assessment of my report.

- 12.12.2. The lands are not recorded as a high value landscape. They are located in an urban context within an established residential neighbourhood of Dundrum. It is a unique brownfield site, and its present character is defined by isolated institutional lands. Third parties have raised concerns about the negative visual impact of the development. The EIAR notes that the sensitivity of the receiving townscape setting is Medium-low. A series of 17 no. photomontages were submitted, together with some CGIs. A Landscape and Visual Impact Assessment (LVIA) was also undertaken.
- 12.12.3. The overall Central Mental Hospital Site incorporates 3 no. protected structures, the 'Catholic Chapel' (RPS No. 2071), the 'Asylum' (RPS No. 2072), the 'Hospital Building' (RPS No. 2073), details of which can be found in Chapter 15 'Architectural Heritage' of this EIAR. These protected structures are outside of the subject site. The lands to the north, south and east of the subject site generally consist of residential developments comprising single and two storey housing. A public park, Rosemont Green, also lies directly to the south of the site. To the west the site is bound by Dundrum Road.
- 12.12.4. During the construction phase the site and immediate environs would be disturbed by construction activities and haulage and the incremental growth of the buildings on site, with indirect effects on the setting of the existing area. Any development on a large site would naturally result in a considerable visual impact and material change to the landscape character of the site. The construction phase of the development would be visually unappealing during the initial stages and as the development progresses the visual impacts would be lessened. Therefore, the significance of the effects would also vary, although they would typically be moderate or negative during construction but temporary. Such temporary negative effects are unavoidable and not unusual in the urban context where change is continuous.
- 12.12.5. On completion the proposed development would represent a marked and comprehensive change to the site from an insular institutional site to a significant urban development comprising 9 no. blocks ranging in height from 2 – 7 storeys with associated development. The landscape impact within the wider suburban context, whilst still significant, will not be uncharacteristic of what has occurred within the area over the past 15-20 years. The current proposal represents another phase in the

ongoing consolidation and densification of the wider suburban area of Dundrum in line with current planning policy.

- 12.12.6. The EIAR notes that at the short range viewpoints the effects are generally considered to be Negative while at medium to long distance viewpoints the effects would be Neutral or Positive. While it is acknowledged that the proposed development would introduce new features in the skyline, I am satisfied that the development does not represent an overt visual change to the urban setting and it would largely remain contained behind the existing perimeter stone walls, screening from the surrounding built development and vegetation. As outlined in Section 10.9 Built Heritage above I agree with the concerns of the planning authority's conservation officer that the loss of the historic stone wall on Dundrum Road is excessive and that significant portions of the wall should be retained. This would have the added benefit of additional screening. The design of the proposed development and the planting contained throughout the scheme will work to integrate the development into the wider urban landscape. In addition, the subject site is zoned for development and the proposed development is therefore not an unexpected addition to the area. Overall, it is considered that the development in terms of siting, form, and design will not give rise to any significant adverse townscape, visual or cumulative impact on the wider urban landscape.
- 12.12.7. With regard to cumulative impact it is considered that the proposed development, whether in conjunction with the proposed re-development of existing protected structures within the overall masterplan lands, or collectively with external developments, would not result in any significant townscape and visual cumulative impacts. Any such cumulative impacts are likely to be low.
- 12.12.8. I have considered all of the written submissions made in relation to landscape and visual impact and considered in detail the urban design and placemaking aspects of the proposed development in my planning assessment above. From an environmental impact perspective, I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of the layout and design of the proposed scheme, in particular from the positioning of taller elements of the scheme away from the site's sensitive boundaries. I am, therefore, satisfied that the

proposed development would have an acceptable direct, indirect, and cumulative effects on the landscape and on visual impact.

12.13. ***Cultural Heritage and Archaeology***

12.13.1. Section 14 of the EIAR addresses Cultural Heritage and Archaeology. The methodology for assessment is described and the receiving environment is described. There are no archaeological sites recorded within the boundary of the subject site. An ecclesiastical enclosure is located c. 540m to the southwest (DU022-016001) of the subject site.

12.13.2. An archaeological geophysical survey was carried out across the proposed development area in April 2021. The survey successfully identified traces of a possible rectilinear enclosure measuring c. 12m x 9m, which was also identified in satellite imagery. An area of possible rubble material, which may represent a former building was also identified during the survey. Linear features which correspond to field boundaries shown on historic mapping, as well as an additional field boundary not shown on historic mapping were also noted within the proposed development area.

12.13.3. Archaeological test excavations were carried out at the site in October 2021. The trenches targeted geophysical anomalies and open green space to fully investigate the archaeological potential of the site. A total of 21 trenches were excavated. The test excavations revealed 5 no. areas of archaeological significance, which have been designated as Archaeological Areas AA1-AA5. These comprise two small enclosures dating to the post-medieval era (AA1-2), a kiln (AA3), an isolated pit (AA4) and a cluster of hearths with postholes (AA5). Further details are provided in Table 14.2 of the EIAR.

12.13.4. During the construction phase there will be a direct negative profound impact on the identified archaeological features in AA1-AA5. This will be caused by ground disturbances associated with the proposed development, which will remove the identified archaeological remains. There may be a direct negative impact on previously unrecorded archaeological features or deposits that have the potential to survive beneath the current ground level and outside the footprint of the excavated test trenches. Impacts may range from moderate to profound negative dependant on the nature, extent and significance of any such identified remains.

- 12.13.5. Section 14.5 of the EIAR outlined mitigation measures. In this regard it is recommended that the archaeological features identified in AA1-AA5 will be preserved by record through full archaeological excavation. The work should be carried out under licence to the National Monuments Service of the DoHDLGH. In addition, all topsoil stripping associated with the proposed development will be monitored by a suitably qualified archaeologist. If any features of archaeological potential are discovered during the course of the works further archaeological mitigation may be required, such as preservation in-situ or by record. Any further mitigation will require approval from the National Monuments Service of the DHLGH.
- 12.13.6. The submission from the DAU also raised no objection in principle to the proposed development. However, it states that in light of the work already undertaken and the suggested mitigation in the EIAR the applicant is required to engage the services of a suitably qualified, licenced Archaeologist to carry out further archaeological testing and full excavation (preservation by record). Archaeological testing shall take place in the areas that remained untested at EIAR stage in this regard the eastern portion of Area A and the entirety of Area B (as shown on Fig. 14.5 of the EIAR). It further states that no groundworks shall be undertaken in the absence of the archaeologist without his/her express consent. The submission outlines a number of Archaeological conditions and I agree that in the interest of preserving archaeology features (in situ or by record) that these conditions should be attached to any grant of permission. The planning authority raise no objection in principle however it is considered unfortunate that all surveys have not been completed prior to lodging the application. It is noted that this includes survey work outside of the red line boundary.
- 12.13.7. There are no predicted impacts to any archaeological assets during the operation of the proposed development. This is due to the fact that any recorded monuments within the study area are located over 500m from the proposed development and will not visually be affected by the operation of the development.
- 12.13.8. With regard to the sites cultural heritage the Central Mental Asylum, as a complex of historic structures of social history significance (with some modern additions/alterations) within a designed landscape, will be affected by the construction of the proposed development due to alterations to some of the existing structures and construction within what was a private designed setting. The impact on the existing

campus, from a cultural heritage perspective is considered to be direct, negative and significant. To mitigate against the impact aspects of the landscape have been retained including the hospital buildings, access drive and gate lodge, walled gardens, farm outbuildings, chapel and the perimeter wall. It is my recommendation that further sections of the wall along the sites boundary with Dundrum Road should be retained. Having regard to the above and as the architectural heritage of the site will be accessible to the public during the operational phase the impact on cultural heritage is considered to be moderately negative. It is noted that detailed mitigation is provided in Chapter 15 in relation to the architectural heritage resource and historic landscape.

12.13.9. There are no predicted cumulative impacts to the archaeological or cultural heritage resource.

12.13.10. I have considered all of the written submissions made in relation to Cultural Heritage- Archaeology. I note the reports of the planning authority and the DAU in this regard. From an environmental viewpoint, I am satisfied that Cultural Heritage – Archaeology has been appropriately addressed in terms of the application and the information submitted by the applicant and that no significant adverse direct, indirect or cumulative effects are likely to arise.

12.14. ***Architectural Heritage***

12.14.1. Section 15 of the submitted EIAR addresses Architectural Heritage. The methodology for assessment is described and the receiving environment is described. The environmental impacts from the proposed development are detailed in the EIAR, to avoid repetition and to be clear, I have assessed in detail the impact of the proposed development on Built Heritage from an urban design and planning context in the planning assessment of my report.

12.14.2. Third parties have raised concerns that the proposed scheme would negatively impact on the setting and character of the protected structures within the site. Third parties, the planning authority and An Taisce have criticised the decision to exclude these structures from the development.

12.14.3. Desktop research and site surveys have been undertaken. Buildings and structures which have been identified as being of specific importance, and susceptible to change

are the Main Hospital Building including its adjoined ancillary structures such as the dining-hall and infirmary/church; the Perimeter Wall which surrounds the site; the Gate Lodge; the Chapel; the 'Airing Yards' (patient exercise areas); the Farmstead Buildings including ancillary structures and Walled Garden; and the Historic Landscape.

- 12.14.4. Impacts to the setting and context of the Main Hospital Building arise from the siting of new residential buildings in proximity to it and within its curtilage. The Main Hospital Building is the dominant building on the site and sits in the context of a park-land demesne. The proposed blocks in close proximity to the Main Hospital Building impact this dominance, particularly in respect of their height. Their presence additionally changes the parkland character of their setting to be one more urban in character, impacting the aesthetic value of the existing building and its evidential role as a hospital set specifically in a landscape ascribed therapeutic value. As with the Main Hospital Building, the chapel, farmstead and walled garden exist in a planned park-land setting. The insertion of new-build apartment blocks in that shared setting impacts the original and planned setting for those elements. The siting and massing of the proposed scheme would ensure that the dominance of the Main Hospital Building is not compromised, and its relationship with the historic landscape in its immediate curtilage is retained and enhanced.
- 12.14.5. Loss of historic fabric to the perimeter wall arising from the creation of new vehicular and pedestrian openings. A defining characteristic of the Perimeter Wall is its continuity. This enclosure makes a strong contribution to the character of the site as being a parkland demesne. The complete removal of sections to create the necessary vehicular access routes does however alter the localised character of the perimeter wall. Openings in the perimeter wall would be sensitively and appropriately detailed. The perimeter wall will continue to be a defining feature of the site.
- 12.14.6. Although there have been changes to the site since the formal landscape was set out including the provision of car-parking areas, late 20C built reception centre, the almost full abandonment of its productive agricultural and market-garden capacity, the Historic Landscape still reflects to a greater extent its original role as a therapeutic and productive resource. Development of housing on this land impacts this value. The most significant elements of the Historic Landscape are the walled garden and the landscaping to the immediate south of the Main Hospital Building, these would be

retained and enhanced. In most instances the development of the lands results in the potential for a negative impact on the Heritage Receptors within the site. Mitigation measures are outlined in Section 15.5 to reduce the severity of the impact, in some instances rendering the impact negligible, null or positive.

12.14.7. While it is acknowledged that the proposed scheme would have a profound impact on the setting of the protected structures I am satisfied that the scheme represents a high quality contemporary development which provides a clear distinction between the protected structures and retains and enhances the landscape setting of the main building. In addition, the subject site is zoned for development and the proposed development is therefore not an unexpected addition to the site.

12.14.8. Although not a protected structure, the perimeter wall is a long established local landmark which provides a visual reminder of the original use of the site. While some intervention is required to allow for the appropriate and modern redevelopment of the site, I agree with the planning authority's conservation officer that the interventions are excessive. Therefore, it is recommendation that a condition be attached to any grant of permission that significant portions of the existing wall be retained on Dundrum Road. This would also have the added benefit of retaining the setting of the Gate Lodge at the sites north western corner.

12.14.9. There are no predicted cumulative impacts to the architectural heritage.

12.14.10. I have considered all of the written submissions made in relation to Architectural Heritage. I note the reports of the planning authority and the An Taisce in this regard. From an environmental viewpoint, I am satisfied that Architectural Heritage has been appropriately addressed in terms of the application and the information submitted by the applicant and that no significant adverse direct, indirect or cumulative effects on are likely to arise.

12.15. ***Micro-Climate – Wind***

12.15.1. Section 16 of the EIAR comprises a Wind Microclimate study. The methodology for assessment is described.

12.15.2. During the construction phase the effect on potential receptors (pedestrians) can be considered negligible.

12.15.3. During the operational phase the assessment indicates that no area is unsafe and no conditions of distress are created by the proposed development. Minor funnelling effects are indicated between some of the blocks at the south-west portion of the development, which receives the prevailing South-West and South-East winds. However, throughout the area wind is not accelerating to significant values.

In summary, the following conclusions can be made:

- No area is unsafe, and no conditions of distress are created by the proposed development.
- All the proposed roads can be used for their intended scope (walking).
- The proposed parks and the public plaza can be used for long-term sitting / short term-sitting.
- The wind microclimate of the proposed development is comfortable and usable for pedestrians.

12.15.4. The proposed development also has a beneficial effect on the surrounding wind microclimate.

12.15.5. From a wind and micro-climate perspective there are no predicted cumulative impacts arising.

12.15.6. I am satisfied that the development has been designed to conform to acceptable Lawson Criteria for Comfort and Distress in accordance with the Wind Beaufort Scale and that no significant adverse direct, indirect or cumulative effects on are likely to arise.

12.16. ***Material Assets – Roads and Traffic***

12.16.1. Section 17 of the submitted EIAR deals with Traffic and Transportation. The methodology for assessment is described and the receiving environment is outlined. Third parties have raised concerns in relation the capacity of the surrounding road network. From an environmental perspective, the EIAR addresses these aforementioned matters in detail alongside potential construction and cumulative impacts. My assessment of Transportation in Section 10.10 above also considers these matters and I refer the Board to same.

- 12.16.2. During the construction phase, construction traffic travelling to the site will use the Dundrum Road for access. A Construction Traffic Management Plan (CTMP) would be implemented. Overall, it is anticipated that there will be slight short-term negative impacts to local traffic during the construction phase.
- 12.16.3. During the operational phase, it is anticipated that there is likely to be a slight long-term adverse effect on the surrounding roads as a result of the proposed development. The analysis carried out indicates that all arms of all junctions modelled operate within capacity for all future scenarios. Full details of each junction are provided in Section 8 of the TTA. However, having regard to the concerns raised by the planning authority and concerns and photographic evidence submitted by third parties and having regard to the information submitted in Traffic Impact Assessments for surrounding developments in particular for ABP – 311287-21, which indicates that the junction of Dundrum Road / Rosemount / Frankfort would reach capacity by 2023 I agree that the figures submitted appear low and that traffic congestion is experienced on the Dundrum Road during the peak period. However, I am satisfied that the traffic generated by the proposed scheme would not have a significant negative impact on the capacity of the surrounding network which in my opinion is within the norm of a busy urban environment.
- 12.16.4. As outlined in my planning assessment above, I agree with the applicant that an additional secondary access is desirable in the event of an emergency and to allow for pedestrian / cycle permeability. However, having regard to the traffic flows on Dundrum and the number of right hand turning movements that are likely to be generated by the proposed development, I do not agree that an additional access would reduce potential congestion and I have concerns that additional right hand turning movements to / from Dundrum Road has the potential to cause additional congestion. Therefore, I agree with the NTA's recommendation that the current site entrance should be designated as a secondary access, for use by emergency and refuse vehicles, interim construction traffic, and general traffic only in the event of an incident at the primary access/route. The single entry point at the southern end of the site boundary with Dundrum Road should also be singalised.
- 12.16.5. The cumulative traffic impact of other proposed developments in the area was considered and included for in the traffic assessment. The opening year traffic flows

were factored up by 3% across the network. This provided for a robust assessment of the cumulative traffic impact of proposed development.

12.16.6. I have considered all of the written submissions made in relation to Traffic and Transportation. I note the reports of the planning authority and the submission from the NTA and TII which raised no objection in principle. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of Traffic and Transportation.

12.17. ***Material Assets – Waste***

12.17.1. Section 18 of the EIAR addresses with Waste Management. The methodology for assessment is described and the receiving environment is outlined. A site specific Construction and Demolition Waste Management Plan has been prepared for the demolition, excavation and construction phase of the development. In addition, an Operational Waste Management Plan has been prepared for the operational phase of development. This is attached in Appendix 18.1 of the EIAR.

12.17.2. During the construction phase the proposed development would generate a range of non-hazardous and hazardous waste materials during site demolition, excavation and construction. It is anticipated that c. 56,677 m³ of excavated material will need to be removed off-site, however, it is envisaged that c. 7,199 m³ tonnes of excavated material will be reused on-site as fill. Correct classification and segregation of the excavated material is required to ensure that any potentially contaminated materials are identified and handled in a way that will not impact negatively on workers as well as on water and soil environments, both on and off-site. General housekeeping and packaging will also generate waste materials, as well as typical municipal wastes generated by construction employees, including food waste. Waste materials will be required to be temporarily stored on-site pending collection by a waste contractor. Adherence to mitigation measures outlined in Section 18.5 of the EIAR would ensure that the predicted effect on the environment would be short-term, imperceptible and neutral.

- 12.17.3. An Operational Waste Management Plan has been prepared which provides a structured approach to waste management and promotes resource efficiency and waste minimisation. Provided the mitigation measures outlined in Section 18.5 of the EIAR are implemented and a high rate of reuse, recycling and recovery is achieved, the predicted effect of the operational phase on the environment will be long-term, imperceptible and neutral.
- 12.17.4. Other developments in the area will be required to manage waste in compliance with national and local legislation, policies and plans which will mitigate against any potential cumulative effects associated with waste generation and waste management.
- 12.17.5. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of Waste Management.

12.18. ***Material Assets – Built Services***

- 12.18.1. Section 19 of the EIAR deals with Material Assets Built Services. The methodology for assessment is described as well as the receiving environment including existing infrastructure and utilities services are described. An Engineering Report was submitted with the application which addresses the impact of the development on the public water, foul water and drainage systems. This is addressed in Section 10.11 of my planning assessment, and I refer the Board to same.
- 12.18.2. *Foul Water Drainage:* The foul drainage from the existing buildings on site drains to a combined drainage system on site which discharges to a combined buried sewer on the Dundrum Road. The combined sewer drains in a northerly direction towards the Dodder Valley Sewer System. The proposed foul system will connect to the Irish Water network at Dundrum Road. It is calculated that the proposed development will have a total hydraulic loading of 451m³ per day of foul effluent generated during the operational phase of the development. This equates to an average flow of 5.17 litres/second (over a 24-hour period) and a peak flow of 16.06 litres/second. A Confirmation of Feasibility letter was obtained from Irish Water.

- 12.18.3. *Water Supply:* The existing buildings on site are serviced from an existing public watermain in Dundrum Road. The proposed development will be connected to a new public watermain in the Dundrum Road. The peak flow demand during the operational phase of the development will be 28.62 litres/second, equivalent to an average daily demand of 410m³. The installation of low flow fittings for the development will reduce the demand on the existing water supply network. A Confirmation of Feasibility Letter was obtained from Irish Water. During the connection of new mains to existing mains on site there is a small risk that contamination of the existing supply may occur.
- 12.18.4. *Natural Gas:* The site is served by natural gas. The new development will primarily require electrical driven heat pumps and air source heat pumps, so the gas load is anticipated to be limited to commercial facilities and possibly back up gas boilers.
- 12.18.5. *Electricity:* The site is served by electricity. The new development will require a new infrastructure that will feed multiple substations around the site. The substation requirement has been assessed and allowed for within the architectural layouts. The final design details to be clarified by the ESB post planning.
- 12.18.6. *Telecommunications:* The site is currently fed from the EIR network. The new development will consist of separate underground networks connecting to all new apartment blocks and commercial premises. Two alternative suppliers are available to the end users for broadband and telecoms services.
- 12.18.7. The final connection details are subject to agreement with the relevant provider. The connections would be conducted in parallel with other services. Implementation of the mitigation measures and adherence to the Construction and Environmental Management Plan prepared for the project will ensure that any potential residual impacts will be short term and negligible.
- 12.18.8. No cumulative impacts will arise that would result in significant effects on the environment.
- 12.18.9. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed

development would not have any unacceptable direct or indirect impacts in terms of Material Assets.

12.19. ***Interactions***

12.19.1. Chapter 20 addresses interactions and highlights those interactions which are considered to potentially be of a significant nature and Table 20.1 provides a matrix of interactions. 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.

12.19.2. The development is concluded in the EIAR to have no significant negative impact when mitigation measures are incorporated. 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. Having considered the mitigation measures in place, no residual risk of significant negative interaction between any of the disciplines was identified and no further mitigation measures were identified.

12.20. ***Cumulative Impacts***

12.20.1. Each individual chapter provides an assessment of the cumulative impact of the development. It is noted that third parties raised concerns that the exclusion of the protected structures from the EIAR resulted in project splitting. As part of the cumulative assessment, the future planning application for the protected structures to the north of the subject site, which form part of the site wide Masterplan as the proposed project, has been considered as a planned project. I am satisfied that the EIAR has adequately addressed the cumulative impact and does not constitute project splitting.

12.20.2. The proposed development could occur in tandem with the development of other sites that are zoned in the area. Such development would be unlikely to differ from that envisaged under the county development and local area plans which have been subject to Strategic Environment Assessment. Its scale may be limited by the provisions of those plans and its form and character would be similar to the development proposed in this application. The actual nature and scale of the proposed

development is in keeping with the zoning of the site and the other provisions of the relevant plans and national policy. The proposed development is not likely to give rise to environmental effects that were not envisaged in the plans that were subject to SEA. It is, therefore, concluded that the cumulation of effects from the planned and permitted development and that currently proposed would not be likely to give rise to significant effects on the environment other than those that have been described in the EIAR and considered in this EIA.

12.21. ***Schedule of Mitigation Measures***

12.21.1. Chapter 22 provides a summary of the recommended mitigation measures.

12.22. ***Reasoned Conclusion on the Significant Effects***

12.22.1. Having regard to the examination of environmental information set out above, to the EIAR and other information provided by the developer, and to the submissions from the planning authority, prescribed bodies and third parties 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:

- Significant direct positive effects with regard to population and material assets due to the increase in the housing stock that it would make available in the urban area.
- A significant direct effect on land by the change in the use and appearance of a relatively large area of underutilised brownfield site to residential use. Given the location of the site within the built up area and the public need for housing in the region, this effect would not have a significant negative impact on the environment.
- Potential significant effects on soil during construction, which will be mitigated by the re-use of material on the site and the removal of potentially hazardous material from the site, and the implementation of measures to control emissions of sediment to water and dust to air during construction.
- Potential effects arising from noise and vibration during construction which will be mitigated by appropriate management measures.

- Potential effects on air during construction which will be mitigated by a dust management plan including a monitoring programme.
- Potential indirect effects on water which will be mitigated during the occupation of the development by the proposed system for surface water management and attenuation with respect to stormwater runoff and the drainage of foul effluent to the public foul sewerage system, and which will be mitigated during construction by appropriate management measures to control the emissions of sediment to water.
- A positive effect on the streetscape as the proposed development would improve the amenity of the land through the provision of dedicated public open spaces and improved public realm.

12.22.2. The EIAR has considered that the main significant direct and indirect effects of the proposed development on the environment would be primarily mitigated by environmental management measures, as appropriate. The assessments provided in the individual EIAR chapters are satisfactory to enable the likely significant environmental effects arising as a consequence of the proposed development to be satisfactorily identified, described and assessed. The environmental impacts identified are not significant and would not justify refusing permission for the proposed development or require substantial amendments to it.

13.0 **Appropriate Assessment**

13.1. ***Introduction***

13.1.1. The applicant has prepared an AA Screening and a Natura Impact Statement (NIS) as part of the application. The AA screening report concluded that in the absence of mitigation measures there is potential for petrochemicals or silt laden material to enter the marine environment at South Dublin Bay SAC, North Dublin Bay, South Dublin Bay and River Tolka Estuary SPA, and North Bull Island SPA. Acting on a strictly precautionary basis, an NIS has been prepared in respect of the effects of the project on South Dublin Bay SAC, North Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA, and North Bull Island SPA. The requirements of Article 6(3) as related to screening the need for appropriate assessment of a project under part XAB, section

177U and section 177V of the Planning and Development Act 2000 (as amended) are considered fully in this section.

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

- 13.2.1. The Habitats Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Article 6(3) of this Directive requires that any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. The competent authority must be satisfied that the proposal will not adversely affect the integrity of the European site before consent can be given. The proposed development is not directly connected to or necessary to the management of any European site and therefore is subject to the provisions of Article 6(3).
- 13.2.2. The applicant has submitted a Screening Report for Appropriate Assessment and a Natura Impact Assessment. The Screening Report was prepared by Altemar – Marine and Environmental Consultancy. The Report provides a description of the proposed development, identifies and provides a brief description of European Sites within a possible zone of influence of the development, an assessment of the potential impacts arising from the development and an assessment of potential in-combination effects. Table 2 of the AA Screening Report notes that in the absence of construction management, the potential impact on the Slang River and the open drain on the site, both of which have connectivity to Dublin Bay is uncertain. In line with Departmental Guidance and having regard to ECJ case law and the 'precautionary principle' Stage 2 Appropriate Assessment is required in respect of South Dublin Bay SAC, North Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA, North Bull Island SPA.
- 13.2.3. Having reviewed the documents and submissions, I am satisfied that the submitted information allows for a complete examination and identification of all the aspects of the project that could have an effect, alone, or in combination with other plans and projects on European sites.

13.3. **Stage 1 AA Screening**

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

13.4. **Brief Description of the Development**

13.4.1. The applicant provides a description of the project in Section 3 of the Screening Report. The development is also summarised in Section 3 of my report. In summary, the proposed development comprises the construction of 977 no. residential units in 9 no. blocks (02 – 10) ranging in height from 2 - 7 storeys.

13.4.2. The development also consist of 3,889sqm of non-residential uses, comprising: a change of use and renovation of existing single storey Gate Lodge building to provide a café unit (78sqm); 1 no. restaurant unit (307sqm) located at ground floor level at Block 03; 6 no. retail units (1,112sqm) located at ground floor level at Blocks 03 and 07; 1 no. medical unit (245sqm) located at ground floor level at Block 02; A new childcare facility (463sqm) and associated outdoor play area located at ground floor level at Block 10; and a new community centre facility, including a multi-purpose hall, changing rooms, meeting rooms, storage and associated facilities (1,684sqm) located at ground and first floor level at Block 06. The surrounding area is suburban in nature. The site is serviced by public water supply and foul drainage networks. It is proposed that the foul sewer will discharge by gravity to the combined sewer on Dundrum Road. All foul water drainage shall be designed in accordance with Irish Water's Wastewater Code of Practice and Standard Details. The proposed surface water drainage system will be split into three catchments. The catchments will be attenuated separately by means of blue roofs and attenuation tanks, which follow approximately the existing site topography and natural drainage routes on site. All the surface water drainage would collect into an underground pipe network. The drainage system will use a variety of SuDS measures. Catchment A, in the north western portion of the site would drain to

the River Slang, via an existing surface water sewer. Catchment B1 in the southern portion of the site would drain to the open drainage ditch on site and Catchment B2 in the north western portion of the site would drain to the open drainage ditch outside the site. Catchment B1 and B2 ultimately drain to the Elm Park Stream c. 220m from the site. Both the River Slang and the Elm Park Stream ultimately discharge to Dublin Bay. The development site is located in a heavily urbanised environment close to noise and artificial lighting. The site is highly modified. No flora or fauna species for which Natura 2000 sites have been designated were recorded on the application site.

13.5. ***Submissions and Observations***

13.5.1. The submissions and observations from the Local Authority, Prescribed Bodies, and third parties are summarised in sections 8, 9 and 10 above. A submission was received from Inland Fisheries Ireland which notes that the proposed development is within the catchment of the River Dodder and that best practice should be implemented at all times in relation to any activities that may impact on surface water or riparian habitats. Any discharges must not impact negatively on the system. The submission from the DAU also notes that there is a direct hydrological pathway from the site to Dublin Bay. Pollution originating from the proposed development during either its development or operational phases could therefore potentially be transported by surface water runoff into the Dublin Bay Natura 2000 sites and potentially have detrimental effects on the Qualifying Interests for which they are designated. The measures outlined in the NIS and the Construction Environmental Management Plan (CEMP) are noted.

13.6. ***Zone of Influence***

13.6.1. The proposed development is not located within or immediately adjacent to any European Site.

13.6.2. Appropriate Assessment Guidance (2009) recommends an assessment of European sites within a Zone of Influence of 15km. However, this distance is a guidance only and a potential Zone of Influence of a proposed development is the geographical area over which it could affect the receiving environment in a way that could have significant effects on the Qualifying Interests of a European site. In accordance with the OPR Practice Note, PN01, the Zone of Interest should be established on a case-by-case

basis using the Source- Pathway-Receptor framework and not by arbitrary distances (such as 15km). The Zone of Influence may be determined by connectivity to the proposed development in terms of:

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

13.6.3. The AA Screening Report (page 20)notes that the Zone of Interest is deemed to be within 2km of the proposed development, with the potential for extending this to beyond 2km via direct pathway e.g. watercourse. However, following the precautionary principle, screening of all Natura 2000 sites within 15km and those with a direct/indirect pathway beyond 15km is carried out.

13.6.4. The following 15 no. Natura 2000 sites that are within 15km of the site and their distance from the application site are identified:

<i>South Dublin Bay (000210) 2.8km from the subject site</i>	
<i>Conservation Objective</i>	To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.
<i>Qualifying Interests/Species of Conservation Interest</i>	Mudflats and sandflats not covered by seawater at low tide [1140] Annual vegetation of drift lines [1210] Salicornia and other annuals colonising mud and sand [1310] Embryonic shifting dunes [2110]
<i>Wicklow Mountains SAC (Site Code 002122): 7.1km from the subject site</i>	
<i>Conservation Objective</i>	To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.
<i>Qualifying Interests/Species</i>	Oligotrophic waters containing very few minerals of sandy plains (Littorelletalia uniflorae) [3110] Natural dystrophic lakes and ponds [3160]

<i>of Conservation Interest</i>	Northern Atlantic wet heaths with <i>Erica tetralix</i> [4010] European dry heaths [4030] Alpine and Boreal heaths [4060] Calaminarian grasslands of the <i>Violetalia calaminariae</i> [6130] Species-rich <i>Nardus</i> grasslands, on siliceous substrates in mountain areas (and submountain areas, in Continental Europe) [6230] Blanket bogs (* if active bog) [7130] Siliceous scree of the montane to snow levels (<i>Androsacetalia alpinae</i> and <i>Galeopsietalia ladani</i>) [8110] Calcareous rocky slopes with chasmophytic vegetation [8210] Siliceous rocky slopes with chasmophytic vegetation [8220] Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles [91A0] <i>Lutra lutra</i> (Otter) [1355]
North Dublin Bay (000206) 7.5 km from the subject site	
<i>Conservation Objective</i>	To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.
<i>Qualifying Interests/Species of Conservation Interest</i>	Mudflats and sandflats not covered by seawater at low tide [1140] Annual vegetation of drift lines [1210] <i>Salicornia</i> and other annuals colonising mud and sand [1310] Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimi</i>) [1330] Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410] Embryonic shifting dunes [2110] Shifting dunes along the shoreline with <i>Ammophila arenaria</i> [2120] Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] Humid dune slacks [2190] <i>Petalophyllum ralfsii</i> (Petalwort) [1395].
Glenasmole Valley SAC (Site Code 001209): 9.2km from the subject site	
<i>Conservation Objective</i>	To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.
<i>Qualifying Interests/Species of Conservation Interest</i>	Semi-natural dry grasslands and scrubland facies on calcareous substrates (<i>Festuco-Brometalia</i>) (* important orchid sites) [6210] <i>Molinia</i> meadows on calcareous, peaty or clayey-silt-laden soils (<i>Molinion caeruleae</i>) [6410]

	Petrifying springs with tufa formation (Cratoneurion) [7220]
Knocksink Wood SAC (Site Code 000725): 9.7km from the subject site	
<i>Conservation Objective</i>	To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.
<i>Qualifying Interests/Species of Conservation Interest</i>	Petrifying springs with tufa formation (Cratoneurion) [7220] Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0] Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0]
Rockabill to Dalkey Island SAC (003000) 9.9km from the subject site	
<i>Conservation Objective</i>	To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.
<i>Qualifying Interests/Species of Conservation Interest</i>	Reefs [1170] Phocoena phocoena (Harbour Porpoise) [1351]
Ballyman Glen SAC (Site Code 000713): 11.1km from the subject site	
<i>Conservation Objective</i>	To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.
<i>Qualifying Interests/Species of Conservation Interest</i>	Petrifying springs with tufa formation (Cratoneurion) [7220] Alkaline fens [7230]
Howth Head SAC (000202) 12.1km from the subject site	
<i>Conservation Objective</i>	To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.

<i>Qualifying Interests/Species of Conservation Interest</i>	Vegetated sea cliffs of the Atlantic and Baltic coasts [1230] European dry heaths [4030]
Baldoyle Bay SAC (000199) 7.3km from the subject site	
<i>Conservation Objective</i>	To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.
<i>Qualifying Interests/Species of Conservation Interest</i>	Mudflats and sandflats not covered by seawater at low tide [1140] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>) [1330] Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]
South Dublin Bay and River Tolka Estuary SPA (Site Code 004024): 2.8km from the subject site	
<i>Conservation Objective</i>	To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA.
<i>Qualifying Interests/Species of Conservation Interest:</i>	Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046] Oystercatcher (<i>Haematopus ostralegus</i>) [A130] Ringed Plover (<i>Charadrius hiaticula</i>) [A137] Grey Plover (<i>Pluvialis squatarola</i>) [A141] Knot (<i>Calidris canutus</i>) [A143] Sanderling (<i>Calidris alba</i>) [A144] / Dunlin (<i>Calidris alpina</i>) [A149] Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157] Redshank (<i>Tringa totanus</i>) [A162] Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179] Roseate Tern (<i>Sterna dougallii</i>) [A192] Common Tern (<i>Sterna hirundo</i>) [A193] Arctic Tern (<i>Sterna paradisaea</i>) [A194] Wetland and Waterbirds [A999]
Wicklow Mountains SPA (Site Code 004040): 7.4km from the subject site	
<i>Conservation Objective</i>	To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA

<i>Qualifying Interests/Species of Conservation Interest:</i>	Merlin (Falco columbarius) [A098] Peregrine (Falco peregrinus) [A103]
North Bull Island SPA (004006) 7.5km from the subject site	
<i>Conservation Objective</i>	To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA
<i>Qualifying Interests/Species of Conservation Interest:</i>	Light-bellied Brent Goose (Branta bernicla hrota) [A046] Shelduck (Tadorna tadorna) [A048] Teal (Anas crecca) [A052] Pintail (Anas acuta) [A054] Shoveler (Anas clypeata) [A056] Oystercatcher (Haematopus ostralegus) [A130] Golden Plover (Pluvialis apricaria) [A140] Grey Plover (Pluvialis squatarola) [A141] Knot (Calidris canutus) [A143] Sanderling (Calidris alba) [A144] Dunlin (Calidris alpina) [A149] Black-tailed Godwit (Limosa limosa) [A156] Bar-tailed Godwit (Limosa lapponica) [A157] Curlew (Numenius arquata) [A160] Redshank (Tringa totanus) [A162] Turnstone (Arenaria interpres) [A169] Black-headed Gull (Chroicocephalus ridibundus) [A179] Wetland and Waterbirds [A999]
Dalkey Island SPA (004172) 9.8 km from the subject site	
<i>Conservation Objective</i>	To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA
<i>Qualifying Interests/Species of Conservation Interest:</i>	Roseate Tern (Sterna dougallii) [A192] Common Tern (Sterna hirundo) [A193] Arctic Tern (Sterna paradisaea) [A194]

Baldoyle Bay SPA (Site Code 004016): 12.9km from the subject site	
<i>Conservation Objective</i>	To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA
<i>Qualifying Interests/Species of Conservation Interest:</i>	Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046] Shelduck (<i>Tadorna tadorna</i>) [A048] Ringed Plover (<i>Charadrius hiaticula</i>) [A137] Golden Plover (<i>Pluvialis apricaria</i>) [A140] Grey Plover (<i>Pluvialis squatarola</i>) [A141] Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157] Wetland and Waterbirds [A999]
Howth Head Coast SPA (004113) 12.4km from the subject site	
<i>Conservation Objective</i>	To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA
<i>Qualifying Interests/Species of Conservation Interest:</i>	Kittiwake (<i>Rissa tridactyla</i>) [A188]

- 13.6.5. The proposed development has no potential source pathway receptor connections to any other European Sites.
- 13.6.6. I agree with the AA Screening Report and consider that only the designated area of sites within the inner section of Dublin Bay, namely South Dublin Bay SAC, North Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA, North Bull Island SPA could reasonably be considered to be within the downstream receiving environment of the proposed development and on this basis these sites are subject to a more detailed Screening Assessment.
- 13.6.7. I am also satisfied that the potential for impacts on the other designated sites can be excluded at the preliminary stage due to the separation distance between the European site and the proposed development site, the nature and scale of the proposed development, the absence of a hydrological link, the subject site provides no ex-situ habitat for any of the waterbird/seabird species and an absence of relevant

qualifying interests in the vicinity of the works and to the conservation objectives of the designated sites.

13.7. **Screening Assessment**

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

13.8. **Consideration of Impacts**

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

The surface water drainage system would use a variety of SuDS measures. Catchment A, in the north western portion of the site would drain to the River Slang, via an existing surface water sewer. The River Slang runs to the River Dodder which ultimately discharges to Dublin Bay. Catchment B1 in the southern portion of the site would drain to the open drainage ditch on site and Catchment B2 in the north western portion of the site would drain to the open drainage ditch outside the site. Catchment B1 and B2 ultimately drain to the Elm Park Stream c. 220m from the site. The Elm Park Stream is highly modified and culverted in sections. This stream ultimately discharges to Dublin Bay. The habitats and species of Natura 2000 sites in Dublin Bay are between 2.8km and 7.5km downstream of the site and water quality is not a target for the maintenance of any of the QI's within either SAC in Dublin Bay. The surface water pathway could create the potential for an interrupted and distant hydrological connection between the proposed development and European sites in the inner section of Dublin Bay. During the construction phase, standard pollution control measures would be put in place. These measures are standard practices for urban sites and would be required for a development on any urban site in order to protect local receiving waters, irrespective of any potential hydrological connection to Natura 2000 sites. In the event that the pollution control and surface water treatment measures were not implemented or failed I am satisfied that the potential for likely significant effects on the qualifying interests of Natura 2000 sites in Dublin Bay from surface water run-off can be excluded given the distant and interrupted hydrological connection, the nature and scale of the development and the distance and volume of

water separating the application site from Natura 2000 sites in Dublin Bay (dilution factor).

- 13.8.2. The scheme includes attenuation measures which would have a positive impact on drainage from the subject site. SUDS are standard measures which are included in all projects and are not included to reduce or avoid any effect on a designated site. The inclusion of SUDS is considered to be in accordance with the Greater Dublin Strategic Drainage Study (GDSDS) and are not mitigation measures in the context of Appropriate Assessment. I also note the development is located on serviced lands in an urban area, which is currently in use as the Central Mental Hospital. As such the proposal will not generate significant demands on the existing municipal sewers for surface water.
- 13.8.3. The foul discharge from the proposed development would drain, via the public sewer on Dundrum Road, to the Ringsend WWTP for treatment and ultimately discharge to Dublin Bay. There is potential for an interrupted and distant hydrological connection between the subject site and the designated sites in Dublin Bay due to the wastewater pathway. The submission from Inland Fisheries Ireland states that Ringsend WWTP is currently working at or beyond capacity and will not be fully upgraded until 2023. It is essential that local infrastructural capacity is available to cope with increased surface and foul water generated by the proposed development in order to protect the ecological integrity of any receiving aquatic environment. The subject site is identified for development through the land use policies of the Dun Laoghaire Rathdown County Development Plan 2016-2022. This statutory plan was adopted in 2022 and was subject to AA by the planning authority, which concluded that its implementation would not result in significant adverse effects to the integrity of any Natura 2000 areas. I also note the development would not generate significant demands on the existing municipal sewers for foul water and surface water. Furthermore, I note upgrade works have commenced on the Ringsend Wastewater Treatment works extension permitted under ABP – PL.29N.YA0010 and the facility is subject to EPA licencing (D0034-01) and associated Appropriate Assessment Screening. It is my view that the foul discharge from the site would be insignificant in the context of the overall licenced discharge at Ringsend WWTP, and thus its impact on the overall discharge would be

negligible. It is also noted that the planning authority and Irish Water raised no concerns in relation to the proposed development.

13.8.4. The Construction and Environmental Management Plan and Operational Waste Management Plan submitted with the application state that all waste from the construction phase and the operational phase would be disposed of by a registered facility.

13.8.5. The site is located in an urban area and has not been identified as an ex-situ site for qualifying interests of a designated site and I am satisfied that the potential for impacts on wintering birds, due to increased human activity, can be excluded due to the separation distances between the European sites and the proposed development site, the absence of relevant qualifying interests in the vicinity of the works and the absence of ecological or hydrological pathway.

13.8.6. No significant flight paths related to protected birds have been identified in this area. There is no reason to believe a bird would not fly over or around the proposed structures.

13.9. ***Cumulative In-Combination Effects***

13.9.1. Table 4 of the applicants AA Screening Report indicates that there have been 7 no. grants of planning permission in the vicinity of the proposed development in the last 5 years and 4 no. current applications in the planning system. It is anticipated that there will be no potential cumulative effects given the nature and scale of the proposed development and the distance to any European sites.

13.10. ***AA Screening Conclusion***

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

European Site in view of the conservation objectives of such sites, and that a Stage 2 Appropriate Assessment is not, therefore, required.

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

13.10.3. I note the applicant submitted a Natura Impact Statement (NIS). In deciding to prepare and submit a NIS the applicant states that the precautionary principle was being applied. I am of the opinion that the application of the precautionary principle in this instance represents an over-abundance of precaution and is unwarranted.

13.10.4. It is reasonable to conclude that on the basis of the information on file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on North Dublin Bay SAC (000206), South Dublin Bay SAC (000210), North Bull Island SPA (004006) and South Dublin Bay and River Tolka Estuary SPA (004024) or any European site, in view of the sites' Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

14.0 **Recommendation**

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

15.0 **Reasons and Considerations**

Having regard to

- a. The site's location on lands with a zoning objective for residential development;
- b. The policies and objectives in the Dun Laoghaire Rathdown Development Plan 2022-2028
- c. Nature, scale and design of the proposed development;
- d. Pattern of existing development in the area;
- e. The Rebuilding Ireland Action Plan for Housing and Homelessness 2016;
- f. Housing for All – A New Housing Plan for Ireland, 2021
- g. The National Planning Framework issued by the Department of Housing, Planning and Local Government in February 2018;
- h. Regional Spatial and Economic Strategy for the Eastern and Midland Region;
- i. The Guidelines for Sustainable Residential Developments in Urban Areas and the accompanying Urban Design Manual – a Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009;
- j. The Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2013;
- k. Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of the Environment, Community and Local Government in December 2020 ;
- l. The Urban Development and Building Heights Guidelines for Planning Authorities 2018;
- m. The Planning System and Flood Risk Management' (including the associated 'Technical Appendices') 2009;
- n. Chief Executive's Report; and
- o. Submissions and observations received.

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

16.0 Recommended Order

Application: for permission under Section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Bord Pleanála on the 31st day of March 2022 by Tom Phillips and Associates, on behalf of The Land Development Agency.

Proposed Development:

The proposed development comprises a 10 year permission for the construction of 977 no. residential units comprising 940 apartments, 17 no. duplex units and 20 no. houses arranged in 9 blocks (Blocks 02-10). These blocks generally range in height from 2 and 6 storeys, with a lower ground floor to Block 03 and Block 10, resulting in part 7 storey blocks. The blocks also incorporate private and communal open space provision and ancillary residential facilities.

The development also includes 3,889sqm of non-residential uses. This includes a change of use and renovation of existing single storey Gate Lodge building to provide a café unit (78sqm), 1 no. restaurant unit (307sqm) located at ground floor level of Block 03, 6 no. retail units (1,112sqm) located at ground floor level of Blocks 03 and 07, 1 no. medical unit (245sqm) located at ground floor level of Block 02, a childcare facility (463sqm) and associated outdoor play area located at ground floor level of Block 10 and a new community centre facility, including a multi-purpose hall, changing rooms, meeting rooms, storage and associated facilities (1,684sqm) located at ground and first floor level of Block 06.

The proposed works include demolition of a single storey former swimming pool / sports hall and admissions unit (2,750sqm), a 2-storey redbrick building (305sqm), a single storey ancillary building and temporary structures including portacabins (677sqm) and a porch and glazed screens at the existing Gate Lodge building (4sqm). The removal of existing internal sub-divisions / fencing, including removal of security fence at Dundrum Road entrance. The removal of walls adjacent to Main Hospital Building and alterations and removal of section of wall to Walled Garden.

Vehicular access to the site is proposed from the existing access off Dundrum Road, and a new additional access also off Dundrum Road to the south of the existing

access. To facilitate the new access arrangement the works include alterations and removal of sections of the boundary wall adjacent to Dundrum Road, including removal of existing gates and entrance canopy, a reduction in height of section, widening of existing vehicular access, provision of a new vehicular, cyclist and pedestrian access. To facilitate pedestrian and cyclist accesses it is also proposed to alter / remove sections of the perimeter wall adjacent to Mulvey Park, Annaville Grove and Rosemount Green (south).

The development also includes public open space and related play areas, hard and soft landscaping including internal roads, cycle and pedestrian routes, pathways and boundary treatments, street furniture, wetland feature, part-basement, 547 no. car parking spaces in total, including car sharing and accessible spaces, motorcycle parking, electric vehicle charging points, bicycle parking, ESB substations, infrastructural services and connections, ducting, plant (including external plant for district heating and pumping station), waste management provision, SuDS measures, attenuation tanks, sustainability measures (including solar panels), signage, public lighting, any making good works to perimeter wall and all site development and excavation works above and below ground.

Decision:

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

Matters Considered:

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

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

- a. The site's location on lands with a zoning objective for residential development;
- b. The policies and objectives in the Dun Laoghaire Rathdown Development Plan 2022-2028

- c. Nature, scale and design of the proposed development;
- d. Pattern of existing development in the area;
- e. The Rebuilding Ireland Action Plan for Housing and Homelessness 2016;
- f. Housing for All – A New Housing Plan for Ireland, 2021
- g. The National Planning Framework issued by the Department of Housing, Planning and Local Government in February 2018;
- h. Regional Spatial and Economic Strategy for the Eastern and Midland Region;
- i. The Guidelines for Sustainable Residential Developments in Urban Areas and the accompanying Urban Design Manual – a Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009;
- j. The Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2013;
- k. Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of the Environment, Community and Local Government in December 2020 ;
- l. The Urban Development and Building Heights Guidelines for Planning Authorities 2018;
- m. The Planning System and Flood Risk Management’ (including the associated ‘Technical Appendices’) 2009;
- n. Chief Executive’s Report;
- o. Inspectors Report; and
- p. Submissions and observations received.

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

Appropriate Assessment:

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

Environmental Impact Assessment

The Board completed, in compliance with s.172 of the Planning and Development Act 2000, an Environmental Impact Assessment of the proposed development, taking into account: (a) The nature, scale and extent of the proposed development; (b) The Environmental Impact Assessment Report and associated documentation submitted in support of the application, (c) The submissions from the applicant, planning authority, third parties and the prescribed bodies in the course of the application; and (d) The Planning Inspector's report.

The Board considered that the environmental impact assessment report, supported by the documentation submitted by the applicant, adequately identifies and describes the direct, indirect, secondary and cumulative effects of the proposed development on the environment.

The Board agreed with the examination, set out in the Inspector's report, of the information contained in the environmental impact assessment report and associated documentation submitted by the applicant and submissions made in the course of the planning application.

- Population and human health impacts mitigated by appropriate construction and operational management plans. Direct positive effects with regard to population and material assets due to the increase in population to help sustain and generate improvements to physical infrastructure in the area.
- Biodiversity impacts mitigated by additional planting/landscaping and appropriate work practices.
- Land, soils, geology and hydrogeology impacts mitigated by construction management measures including removal of contaminated soil, minimal removal of topsoil and subsoil; management and maintenance of plant and machinery; dust suppression measures.
- Hydrology impacts to be mitigated by management of surface water run-off during construction to prevent run off discharging directly into watercourses.
- Climate and Air Quality impacts mitigated by dust minimisation plan.
- Noise and Vibration impacts mitigated by adherence to requirements of relevant code of practice.
- Landscape and Visual impacts would be significant with a direct effect on land by the change in the use and appearance of a relatively large area of brownfield site to residential. Given the location of the site within the urban area and the public need for housing in the region, this effect would not have a significant negative impact on the environment.
- Cultural Heritage, Archaeology and Architectural Heritage would be mitigated by landscaping. Given the location of the site within the urban area no significant adverse direct, indirect or cumulative effects are likely to arise.
- Traffic and Transportation impacts mitigated by the management of construction traffic by way of Construction and Environmental Management Plans.
- An upgrade of utilities and telecommunications will have a long-term positive impact for the site and the surrounding area.
- Resource and Waste Management impacts which will be mitigated by preparation of site-specific Construction and Demolition Waste Management Plan

The Board completed an environmental impact assessment in relation to the proposed development and concluded that, subject to the implementation of the mitigation measures set out in the environmental impact assessment report, and subject to compliance with the conditions set out below, the effects on the environment of the proposed development, by itself and in combination with other development in the vicinity, would be acceptable. In doing so, the Board adopted the report and conclusions of the Inspector.

Conclusions on Proper Planning and Sustainable Development:

The Board considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property/land in the vicinity, would be consistent with national and local planning policy and would be acceptable in terms of design, scale, height, quantum of development, and in terms of pedestrian and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

The Board considered that the proposed development is compliant with the provisions of the Dun Laoghaire Rathdown Development Plan 2022-2028 and would, therefore, be in accordance with the proper planning and sustainable development of the area.

17.0 Conditions:

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

Reason: In the interest of clarity.

2. The period during which the development hereby permitted may be carried out shall be 10 years from the date of this order.

Reason: Having regard to the nature and scale of the development, the Board considers it appropriate to specify a period of validity of this permission in excess of five years.

3. Mitigation and monitoring measures outlined in the plans and particulars, including the Environmental Impact Assessment Report submitted with this application as set out in Chapter 22 – Schedule of Mitigation Measures, shall be carried out in full, except where otherwise required by conditions attached to this permission.

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

4. The proposed development shall be amended as follows:

- a. The following units shall be amalgamated to form 3- bed units:

- i. Unit B2-B1-04 (1-bed) with Unit B2-B1-05 (1-bed); and Unit B2-00-16 (1-bed) with Unit B2-00-18 (1-bed) in Block 02;
- ii. Unit B03-01-07 (2-bed, 3-person) with Unit B03-01-14 (studio); Unit B03-01-11 (2-bed, 4-person) with Unit B03-01-12 (1-bed); Unit B03-01-16 (2-bed, 4-person) with Unit B03-01-15 (1-bed); Unit B03-02-07 (2-bed, 4-person) with Unit B03-02-08 (1-bed); Unit B03-02-09 (2-bed, 3-person) with Unit B03-02-16 (studio); Unit B03-02-13 (2-bed, 4-person) with Unit B03-02-14 (1-bed); Unit B03-03-09 (2-bed, 3-person) with Unit B03-02-16 (studio); and B03-03-13 (2-bed, 4-person) with Unit B03-03-14 (1-bed) in Block 03.
- iii. Unit B04-00-04 (1-bed) with Unit B04-00-03 (2-bed, 3-person); Unit B04-00-08 (2-bed, 4-person) with Unit B04-00-09 (1-bed); Unit B04-00-20 (2-bed, 4 person) and Unit B04-00-18 (1-bed) with B04-00-19 (3 bed); Unit B04-01-04 (1-bed) with Unit B04-01-05 (1-bed); Unit B04-01-11 (2-bed, 4-perons) with Unit B04-01-09 (1-bed); Unit B04-01-21 (1-bed) with Unit B04-01-22 (2-bed, 3-person); Unit B04-02-04 (1-bed) with Unit B04-02-05 (1-bed); Unit B04-02-11 (2-bed, 4-

person) with Unit B04-02-09 (1-bed); Unit B04-02-21 (1-bed) with Unit B04-02-22 (2-bed, 3-person); Unit B04-03-05 (1-bed) with Unit B04-03-04 (1-bed); and Unit B04-03-11 (2-bed, 4-person) with Unit B04-03-09 (1-bed) in Block 04.

iv. Unit B5-01-08 (studio) with Unit B5-01-10 (2-bed 4 person); and Unit B501-24 (1-bed) with Unit B05-01-22 (1-bed) in Block 05.

v. Unit B07-05-46 (2-bed, 4-person), with Unit B07-01-06 (1-bed); Unit B07-01-13 (2-bed 4-person) and Unit B07-01-24 (2-bed 4 person) with Unit B07-01-11 (1-bed); Unit B07-01-26 (2-bed, 4 person) with Unit B07-01-28 (1-bed); Unit B07-01-36 (2-bed, 4- person) with Unit B07-01-38 (1-bed); Unit B07-02-13 (2-bed, 4-person) with Unit B07-02-11 (1-bed); Unit B07-02-26 (2-bed, 4 person) with Unit B07-02-28 (1-bed); Unit B07-02-36 (2-bed, 4- person) with Unit B07-02-38 (1-bed); Unit B07-03-13 (2-bed, 4- person) with Unit B07-03-11 (1 bed); Unit B07-03-27(2-bed, 4- person) with Unit B07-03-28 (1 bed); and Unit B07-03-36 (2-bed, 4- person) with B07-03-38 (1 bed) in Block 07.

vi. The first floor windows on the northern and southern elevations of units B8-01-D1, B8-01-D2, B8-01-D3, B8-01-D4, B8-01-D5 and B8-01-D6 in Block 08 shall be omitted and replaced with windows on the rear (western) elevation.

vii. The second floor level windows serving units B08-01-D1, B08-01-D3 B08-01-D5 in Block 08 shall be relocated from the northern elevation to the southern elevation.

viii. At second floor level in units B08-01-D1, B08-01-D2, B08-01-D3, B08-01-D4, B08-01-D5 and B08-01-D6 in Block 08 high level windows shall be provided on the rear (western) elevation. These windows shall be permanently fitted with obscure glazing.

- ix. The first floor windows on the eastern and western elevations of units B9-01-D1, B9-01-D2, B9-01-D3, B9-01-D4, B9-01-D5, B9-01-D6 in Block 09 shall be omitted and replaced with windows on the rear (southern) elevation.
- x. At second floor level in Units B9-01-D1, B9-01-D3, B9-01-D5 in Block 09 shall be relocated from the eastern elevation and provided on the western elevation.
- xi. High level windows shall be provided on the southern elevation of duplex units B9-01-D1, B9-01-D2, B9-01-D3, B9-01-D4, B9-01-D5, B9-01-D6 in Block 09. These windows shall be permanently fitted with obscure glazing.
- xii. The living rooms windows on the southern elevation of units B10-00-16, B10-01-25, B10-02-25 and B10-0-25 and the living room windows on the northern elevation of units B10-00-13, B10-01-21, B10-02-21 and B10-02-21 in Block 10 be permanently fitted with louvers or other appropriate screening
- xiii. A minimum 1.8m high screen shall be provided along the entire southern boundary of the area of communal open space at fourth floor level in Block 04.

In the interest of clarity, the proposed amendments would result in the omission of 4 no. studios, 34 no. 1-bed units, 7 no. 2-bed, 3 person units, 21 no. 2-bed 4 person units and an additional 35 no. 3-bed units. There is no change recommended to the proposed 13 no. 4-bed units. The proposed alterations would result in a total of 946 no. units.

The revised plans and particulars showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure an appropriate mix of units in accordance with the Housing Need and Demand Assessment in Appendix 2 and Policy SLO 123 of the Dun

Laoghaire Rathdown County Development Plan 2022-2028 and in the interest of residential amenity including improved access to daylight and to prevent undue overlooking.

5. During the operational phase, the current site entrance on to Dundrum Road shall be designated as a secondary access, for use by pedestrians, cyclists and emergency vehicles only. General traffic shall only be permitted in the event of an incident at the primary access/route. The single entry point at the southern end of the site boundary with Dundrum Road shall be upgraded to a singalised junction.

The revised plans and particulars showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development

Reason: In the interest of traffic safety.

6. The existing perimeter wall between at the sites western boundary with Dundrum Road shall be retained at this current form between the 2 no. proposed entrances. Revised plans and particulars showing compliance with this requirement shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of cultural and heritage value.

7. Prior to commencement of development the applicant shall submit a detailed design of the internal cycle network, including connections between the internal cycle infrastructure and the external road network for the written agreement of the planning authority.

Reason: In the interest of sustainable travel and traffic safety.

8. Prior to commencement of development the applicant shall submit a detailed phasing plan for the written agreement of the planning authority.

Reason: In the interest of residential amenity.

9. A schedule of all materials to be used in the external treatment of the development to include a variety of high-quality finishes, such as brick and stone, roofing materials, windows and doors shall be submitted to and agreed in writing with, the planning authority prior to commencement of development. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of visual amenity and to ensure an appropriate high standard of development.

10. Details of signage and hours of operation of the non-residential units shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

11. Details of the management and operation of the community facility in Block 06 shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

12. The boundary planting and public open space shall be landscaped in accordance with the landscape scheme submitted to An Bord Pleanála with this application, unless otherwise agreed in writing with the planning authority. The landscape scheme shall be implemented fully in the first planting season following completion of the development, and any trees or shrubs which die or are removed within three years of planting shall be replaced in the first planting season thereafter. This work shall be completed before any of the dwellings are made available for occupation. Access to green roof areas shall be strictly prohibited unless for maintenance purposes.

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

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

Reason: In the interest of place making and visual amenity

14. The internal road network serving the proposed development, including the turning area, footpaths and kerbs shall comply with the detailed standards of the planning authority for such road works, and shall comply, in all respects, with the standards set out in the Design Manual for Urban Roads and Streets (DMURS).

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

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

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

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

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

17. A minimum of 10% of all car parking spaces shall be provided with functioning electric vehicle charging stations/points, and ducting shall be provided for all

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

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

18. Electric charging facilities shall be provided for bicycle parking within the scheme. Plans and particulars showing compliance with this requirement shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of sustainable travel and residential amenity.

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

Reason: In the interests of amenity and public safety.

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

- a. engage the services of a suitably qualified, licenced Archaeologist to carry out further archaeological testing and full excavation (preservation by record).
- b. Archaeological testing shall take place in the areas that remained untested at EIAR stage; i.e. eastern portion of Area A and the entirety of Area B (as shown on Fig. 14.5, page 386 of the EIAR). No groundworks shall be undertaken in the absence of the archaeologist without his/her express consent. Please

allow 5-6 weeks to facilitate the processing of an archaeological licence. Archaeological Testing shall include:

- i. The archaeologist shall inspect the proposed development site (PDS), detail the historical and archaeological background of the site and review all cartographic sources and aerial photographs for the area.
- ii. The archaeologist shall then excavate further test trenches at locations chosen by the archaeologist, having consulted the site plans and geophysical survey in liaison with the Licensing Section of the National Monuments Service in locations labelled Area A and Area B. Excavation is to take place to the uppermost archaeological horizons only, where they survive. Where archaeological material is shown to be present, the archaeologist shall stop works pending further advice from the NMS (DHLGH). Please note that all features/archaeological surfaces within the test trenches are to be hand-cleaned and clearly visible for photographic purposes.
- iii. Having completed the work, the archaeologist shall submit a written report to the Local Authority, An Bord Pleanála, and to the Department of Housing, Local Government and Heritage outlining the results of the test excavations. The report shall comment on the degree to which the extent, location and levels of all proposed foundations, service trenches and other sub-surface works required for the development will affect the archaeological remains. This should be illustrated with appropriate plans, sections, etc.
- iv. Where archaeological material is shown to be present, further mitigatory measures will be required; these may include but not be limited to the following: redesign to allow for preservation in situ, archaeological excavation and/or monitoring. The Department of Housing, Local Government and Heritage will advise the applicant, An Bord Pleanála, and the Local Authority with regard to these matters.

- v. Archaeological excavation (preservation by record) shall take place under licence and following a method statement agreed and approved in advance by the National Monuments Service of those areas identified in the EIAR, AA1–AA5, which revealed archaeological features after testing.
- vi. Having completed this work, the archaeologist shall submit a written preliminary stratigraphic report to the Local Authority, An Bord Pleanála, and to the Department of Housing, Local Government and Heritage outlining the results of the excavations. This should be illustrated with appropriate plans, sections, etc. Within 12 months of the completion of the project the archaeologist shall submit a final report to the Local Authority, An Bord Pleanála, and to the Department of Housing, Local Government and Heritage detailing the full archaeological excavation, and all specialist reports (where required).

Reason: To ensure the continued preservation (either in situ or by record) of places, caves, sites, features or other objects of archaeological interest.

21. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

Reason: To protect the residential amenities of property in the vicinity and the visual amenities of the area.

22. Proposals for a naming / numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all signs, and apartment numbers, shall be provided in accordance with the agreed scheme. The proposed names shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No

advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

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

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

Reason: In the interests of visual and residential amenity.

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

Reason: In the interest of public health.

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

Prior to commencement of development the developer shall submit to the Planning Authority for written agreement a Stage 2 - Detailed Design Stage Storm Water Audit.

Upon Completion of the development, a Stage 3 Completion Stormwater Audit to demonstrate Sustainable Urban Drainage System measures have been installed, and are working as designed and that there has been no misconnections or damage to storm water drainage infrastructure during construction, shall be submitted to the planning authority for written agreement.

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

26. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

27. A plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

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

Reason: In the interest of sustainable waste management.

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

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

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

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

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

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

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

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

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

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

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

34. The developer shall pay to the planning authority a financial contribution as a special contribution under section 48(2) (c) of the Planning and Development Act 2000 in respect of pedestrian and cycling infrastructure on Rosemont Green and the provision of a pedestrian and cycle link between the upgraded infrastructure and the subject site. The amount of the contribution shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála for determination. The contribution shall be paid prior to commencement

of development or in such phased payments as the planning authority may facilitate and shall be updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office.

Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.

Elaine Power

Senior Planning Inspector

25th November 2022