



An
Bord
Pleanála

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

Inspector's Report ABP-313179-22

Strategic Housing Development

268 no. Build to Rent apartments,
creche and associated site works.

Location

Northwood Crescent, Santry, Dublin 9.
(www.northwoodshd.com)

Planning Authority

Fingal County Council

Applicant

Kategale Limited.

Prescribed Bodies

1. Dublin Aviation Authority.
2. Irish Aviation Authority.
3. Inland Fisheries Ireland
4. Irish Water
5. Transport Infrastructure Ireland

Observer(s)

1. Cherie Bacon

2. Jenny Cheung
3. John Conway and Louth
Environmental Group
4. John Diamond
5. JP Clarke
6. Karen and Conor Ruane
7. Louise Shally and Kieran
Harrington
8. Paul & Aisling Boyle
9. Roisin Shortall TD

Date of Site Inspection

15th March 2023

Inspector

Daire McDevitt

1.0 Introduction

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

The application site with a stated area of c.1.36 hectares is located c.6.5km north of Dublin City centre within the Northwood Business Park, Santry, Dublin 9. The business park is located to the south of Junction 4, M50, and comprises a mix of business and residential uses.

The site, originally farmland associated with Santry Demesne, is one of the few remaining undeveloped plots in Northwood. The western portion, a green area of land contains 3 no. mature Oak trees which are proposed to be retained. There is overgrown scrub on the remainder on the site. A portion of the site is fenced off currently used as a carpark for construction workers.

The site is bounded by Northwood Crescent to the south and south west. The Crescent Building (5 storey office block) to the north-west. Northwood Avenue to the north and Northwood Road to the east.

The site is well served by public transport and the Ballymun Road, c. 350m to the west of the site serves as a main bus route. The Santry River, M50 motorway and Dublin Airport are located further north and Santry Demesne is located further east.

3.0 Proposed Strategic Housing Development

3.1 Permission is sought for:

The development, with a total gross floor area of c. 27,904 sqm, will consist of the construction of 268 no. Build-to-Rent apartment units arranged over 2 no. blocks ranging in height from 5 to 11 storeys (Block A will comprise 54 no. 1-bedroom units and 44 no. 2-bedroom units; Block B will comprise 70 no. 1-bedroom units and 100 no. 2-bedroom units);

Residential amenity facilities including a reception, post room and building management office; lounge areas, shared workspace, multimedia/games room, meeting rooms and a single storey residents' gym at podium level (145 sqm); ancillary uses comprising a generator room; utilities room; bin stores; water tank rooms; sprinkler tank room; bicycle stores; storage rooms and plant rooms; the provision of all private and communal open space, including balconies/terraces to be provided for each apartment; and communal open space areas including a first-floor central podium garden connecting Blocks A and B and 2 no. rooftop terraces and a single storey 295 sqm crèche with dedicated outdoor play area.

The development will also comprise the construction of a 3-storey office building with a total gross floor area of c.2,868 sqm, including ancillary uses comprising a reception/security area, staff amenities, bike stores, waste room and a plant room.

The development will also include the provision of hard and soft landscaping, public realm improvements and amenity areas including public open space, a children's play area and a community outdoor dining area; the provision of internal roads and pathways; 142 no. undercroft car parking spaces at ground floor level, 8 no. crèche set down spaces, and 662 no. bicycle parking spaces at ground floor level and surface level.

The development will also include all associated ancillary development including 2 no. ESB switch rooms and 2 no. ESB substations; ground works and foul drainage; stormwater drainage; attenuation tank and related SUDS measures, water supply; service ducting and cabling; electric vehicle charging points; public lighting; boundary treatments; and all ancillary site development and excavation works above and below ground. Vehicular access is proposed via a new entrance on Northwood Road; Vehicular set down area for crèche with access/egress is located on Northwood Crescent. The provision of 2 no. pedestrian crossings on Northwood Crescent and Northwood Road.

The application contains a statement setting out how the proposal will be consistent with the objectives of the Fingal County Development Plan 2017-2023.

The application contains a statement indicating why permission should be granted for the proposed development, having regard to a consideration specified in section 37(2)(b) of the Planning and Development Act, 2000, as amended, notwithstanding that the proposed development materially contravenes a relevant development plan or local area plan other than in relation to the zoning of the land.

3.2 Development parameters

Site Area: c.1.36 hectares

Residential 268 BTR apartments in 2 no. blocks.

Residential amenity facilities/services (c.800sq.m) include: Staff Room (c.35sq.m), reception (c.90sq.m), post room(c.30sq.m), and building management office.(c.19sq.m); leasing Suite (c.20sq.m), meeting room (c.20sq.m), co-workspace (c.75sq.m), multimedia/games room (c.65sq.m), lounge/cafe (c125sq.m), post room (c.27.2sq.m) and a single storey residents' gym at podium level (135 sqm), roof terrace pavilion (c.81.4sq.m), ancillary uses comprising a generator room; utilities room; bin stores; water tank rooms; sprinkler tank room; bicycle stores; storage rooms and plant rooms.

Other uses: 3 storey office building (c.2868 sq.m) and Creche (c.295sq.m)

Density: 196uph

Plot ratio: 2.04

Site coverage: 0.55

Height: 1 to 11 storeys (5-11 residential). Block A (8-11 storeys), Block B (5-11 storeys), Office Block (3 storeys), Creche (single storey).

Dual aspect: 154 units (57.5%).

Public Open Space: c.2380sq.m.

Part V: 27 Units (13 no. 1 bed and 14 no. 2 bed) in Block B (4 units on floor 2, 3, 4, 5, 6 and 7 respectively and 3 units on floor 8).

Access: via a new entrance on Northwood Road. Set down area for creche with access/egress located on Northwood Crescent.

2 no. pedestrian crossings on Northwood Crescent and Northwood Road.

Parking: Car : 142 no. undercroft at ground level and 8 no. creche set down spaces.

Bicycle: 662 no. spaces at ground and surface level.

2 no. ESB switch rooms and 2 no. ESB substations.

3.3 Unit type and Mix

Unit Type	1 bed	2 bed	Total
Block A	54	44	98
Block B	70	100	170
Total Units	134	144	268
% of total	46.3%	53.7%	100%

3.4 Other

The application includes a letter of consent from Northwood Management Company Limited relating to the southeast corner of the site and the works outlined on their lands (hatched in Magenta) on Sheet Number NW21-MLA-XX-XX-DR-A-10-0001 and the general arrangements works proposed on drawing number 21-033-P121

Appendix 1 includes a list of documentation submitted with the application.

4.0 Planning History

There is an extensive planning history associated with lands in the vicinity of the application site which I do not propose to summarise. The most relevant are 9 No. applications pertaining to the subject site and the adjoining lands to the west, dating from c.2000 (the parent permission) and amendment permissions (2003 to 2008,) some of which have been granted an extension of duration of permission. These provide primarily for offices, retail units and surface parking. The most recent planning history on site relates to 2 No. applications lodged with Fingal County Council in 2019 (Reg. Refs. F19A/0401 and F19A/0419).

Parent Permission:

PA Ref. F98A/1328 (ABP Ref. No. PL.06F.112730) refers to a 2000 grant of permission for an integrated urban development project consisting of 1,100 apartments units, c. 4,200 sqm amenity/leisure/neighbourhood facilities, c.79,450 sqm offices, a 198 No. bed hotel (c.14,500 sqm) and a 29-ha public park on an overall site of c. 69 ha. The development also included all infrastructural services, avenues, paths, landscaping, and tree planting.

Site:

PA Reg. Ref. F19A/0401 refers to an April 2020 grant of permission for the permitted Phase 1 development comprised the construction of 2 No. blocks comprising a residential and commercial office development, respectively, with a new proposed shared access road from Northwood Road to the east. The residential development component will comprise a 4 to 7 storey block (c. 8,745 sqm, gross floor area) over podium level (8 storeys over ground in total) to include: 99 No. apartments consisting of 10 No. studio units, 35 No. one-bedroom units, 41 No. two-bedroom units, 13 No. three-bedroom units; and a 4 storey commercial office block (c. 3,030 sqm gross floor area), plus ancillary site development works.

PA Reg. Ref. F19A/0419 refers to a June 2020 grant of permission for the permitted Phase 2 comprised the construction of a proposed shared access road from Northwood Road to the east and a new residential block comprising 6 storeys over podium (7 storeys over ground) (c.6,742 sq.m. gross floor area) to include: 12 No. studio units, 19 No. one-bedroom units, 41 No. two-bedroom units, 6 three-bedroom units; internal plant room; generator room; entrance lobby and internal circulation space; internal waste collection area; residential amenity space (communal facilities); private amenity space in the form of balconies and terraces (c. 730 sqm); communal amenity space with children's play area, formal planting and lawn at podium level (c. 674 sq.m); a total of 72 No. car parking spaces (including 4 No. accessible car parking spaces); 160 No. cycle parking spaces; 3 No. motorbike parking spaces; creation of a pedestrian crossing point to provide safe and efficient pedestrian access between the proposed development and crèche (permitted under Reg. Ref. F18A/0438); and closure of an existing site access at Northwood Crescent (to the west).

SHD Applications in the immediate vicinity of the site Include:

ABP 313317-22 refers to a current application for 255 no. apartments, creche and associated site works at a site between Swift Square and Sports Surgery Clinic, Northwood Avenue, Santry, D9.

ABP 306075-19 refers to a 2020 grant of permission for 331 apartments and creche off Northwood Avenue, Santry

SHD Applications (Dublin City Council area) within c.1.3km of the Site include:

ABP 314019-22 refers to a current application for 350 apartments at the junction of Santry Avenue and Sword Road.

ABP 314019-22 refers to a current application for 457 no. apartments, creche at the north west corner of Omni Shopping centre and Santry Hall Industrial Estate, Sword Road.

ABP 313125-22 refers to a current application for 593 student bedspaces at Shanowen Business Centre and Kaybee House, Shanowen Road, Santry

ABP 307011-20 refers to a grant of permission for 2324 apartments to the northeast of the Omi Park Shopping Centre.

ABP 306987-20 refers to a grant of permission for 120 apartments at the former Swiss Cottage.

Metrolink:

ABP 314724-22 refers to a current application under the Railway (Metrolink- Estuary to Charlemeont via Dublin Airport) Order (2022).

5.0 Section 5 Pre Application Consultation

5.1 A section 5 pre-application consultation with the applicants and the planning authority took place online under ABP- 311280-21 on the 12th October 2021 in respect of a proposed development of 284 no. BTR apartments, creche and associated site works.

5.2 Notification of Opinion

Following consideration of the issues raised during the consultation process and, having regard to the opinion of the planning authority, An Bord Pleanála issued an opinion that the documentation submitted constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála.

Pursuant to article 285(5)(b)(i) and (ii) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant was notified that the following specific information should be submitted with any application for permission:

1. Notwithstanding that the proposal constitutes a reasonable basis for an application the prospective applicant is advised to address the following in the documents submitted:

(a) Provide further justification in relation to car parking strategy, the designation of car parking spaces for commercial and residential, number of spaces for the crèche drop-off and the quantum of car parking proposed.

(b) Provide further justification in relation to the removal of trees on site, having regard to any Tree Preservation Order which may be in place at the time of making the application.

2. A detailed Phasing Strategy.
3. A Schools Capacity Assessment.
4. An Acoustic Noise Assessment.
5. A Construction and Demolition Waste Management Plan (CDWMP).
6. An updated Sunlight/Daylight/Overshadowing analysis showing an acceptable level of residential amenity for future occupiers and existing residents, which includes details on the standards achieved within the proposed residential units, in private and shared open space, and in public areas within the development and in adjacent properties. This report should address the full extent of requirements of BRE209/BS2011, as applicable.
7. The information referred to in article 299B(1)(b)(ii)(II) and article 299B(1)(c) of the Planning and Development Regulations 2001-2018, unless it is proposed to submit an EIAR at application stage.

5.3 Applicant's Statement

A statement of response to the Pre-Application Consultation Opinion was submitted with the application. This statement provides a response to each of the specific information requested in the Opinion I in an attempt to address 1-7 of the specific information requested.

A Material Contravention Statement was also submitted with the application documentation.

6.0 Planning Policy

6.1 National

National Planning Framework 2018-2040

National Strategic Outcome 1, Compact Growth, recognises the need to deliver a greater proportion of residential development within existing built-up areas. Activating

these strategic areas and achieving effective density and consolidation, rather than sprawl of urban development, is a top priority.

Objective 2A identifies a target of half of future population growth occurring in the cities or their suburbs. Objective 3A directs delivery of at least 40% of all new housing to existing built-up areas on infill and/or brownfield sites.

Objective 4 to ensure the creation of attractive, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and wellbeing

Objective 13 is that, in urban areas, planning and related standards including in particular building height and car parking will be based on performance criteria to achieve well-designed high-quality outcomes in order to achieve targeted growth.

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

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

Objective 35 promotes increased densities through measures including infill development schemes, area or site-based regeneration and increased building height.

Rebuilding Ireland – Action Plan for Housing and Homelessness 2016

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

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

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

It is a multi-annual, multi-billion euro plan which will improve Ireland’s housing system and deliver more homes of all types for people with different housing needs.

The government’s overall objective is that every citizen in the State should have access to good quality homes:

- to purchase or rent at an affordable price
- built to a high standard and in the right place
- offering a high quality of life

The government's vision for the housing system over the longer term is to achieve a steady supply of housing in the right locations with economic, social and environmental sustainability built into the system.

The policy has four pathways to achieving housing for all:

- supporting home ownership and increasing affordability
- eradicating homelessness, increasing social housing delivery and supporting social inclusion
- increasing new housing supply
- addressing vacancy and efficient use of existing stock

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

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 and observers, I am of the opinion that the directly relevant section 28 Ministerial Guidelines are:

- Urban Development and Building Heights, Guidelines for Planning Authorities (2018).
- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2020).

I wish to draw the Board attention to the fact that The Apartment Guidelines were updated in December 2022, subsequent to the lodgement of the subject application. The updated Guidelines do not include Specific Planning Policy Requirements (SPPRs) 7 and 8, which relate to BTR development. The amended Guidelines came into effect on 22nd December 2022. Transitional arrangements are set out in Circular Letter NRUP 07/2022, which states:

All current appeals, or planning applications (including any outstanding SHD applications and appeals consequent to a current planning application), that are subject to consideration within the planning system on or before 21st December 2022 will be considered and decided in accordance with the current version of the Apartment Guidelines, that include SPPRs 7 and 8.

My assessment is therefore based on the 2020 Apartment Guidelines.

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009), and the accompanying Urban Design Manual.
- Design Manual for Urban Roads and Streets (DMURS).
- Retail Planning Guidelines for Planning Authorities (2012) and the Retail Design Manual.
- Childcare Facilities – Guidelines for Planning Authorities (2001)
- Appropriate Assessment of Plans and Projects in Ireland - Guidelines for Planning Authorities (2009, updated 2010)
- The Planning System and Flood Risk Management (including the associated ‘Technical Appendices’) (2009).

6.2 Regional:

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

The RSES including the Dublin Metropolitan Area Strategic Plan (MASP) was adopted on the 3rd of May 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.

RPO 4.3 supports “the consolidation and re-intensification of infill / brownfield sites to provide high density and people intensive uses within the existing built-up area of Dublin City and suburbs.”

Section 5.3 identifies guiding principles for development of the metropolitan area, which include: Compact sustainable growth and accelerated housing delivery – To promote sustainable consolidated growth of the Metropolitan Area, including brownfield and infill development, to achieve a target to 50% of all new homes within or contiguous to the built-up area of Dublin City and suburbs. To support a steady supply of sites and to accelerate housing supply, in order to achieve higher densities in urban built up areas, supported by improved services and public transport

The application site is located within the Dublin Metropolitan Area and the Dublin – Belfast Economic Corridor and the Dublin City and Suburbs settlement.

6.3 Local

Fingal County Development Plan 2017-2023

Variation No. 2 relates to the Core Strategy and aligning the Development Plan with the NPF and RSES (adopted June 2020).

Santry/Northwood/Finglas:

This development area has been providing ongoing housing development in tandem with employment on an ongoing basis. Having regard to the future servicing of the land by the Northwood Metrolink Station and Busconnects and proximity to employment at Ballymun, Charlesland, and Dublin Airport, it is considered that 8% population growth will ensure ongoing housing provision.

Santry/Northwood/Finglas identified as a 'Consolidation Areas within the Metropolitan Area'.

The site is zoned **ME – Metro Economic Corridor** with a stated objective to *'facilitate opportunities for high-density mixed-use employment generating activity and commercial development and support the provision of an appropriate quantum of residential development within the Metro Economic Corridor.'*

Map 11 also indicates the following at or in the vicinity of the development site:

- Indicative cycle/pedestrian route along Northwood Avenue
- Indicative route for MetroLink at the Ballymun Road R108.
- The site is within the Inner Airport Noise Zone and the Outer Airport Noise Zone

The Plan contains policies and objectives for the sustainable development of the county. including inter alia:

Objective ED99 Protect the integrity of the Metro Economic corridor from inappropriate forms of development and optimise development potential in a sustainable and phased manner.

Objective ED100 Ensure high quality urban design proposals within the Metro Economic zoning, incorporating exemplary public spaces, contemporary architecture, and sustainable places within a green landscape setting.

Objective PM31 Promote excellent urban design responses to achieve high quality, sustainable urban and natural environments, which are attractive to residents, workers and visitors and are in accordance with the 12 urban design principles set out in the Urban Design Manual – A Best Practice Guide (2009).

Objective PM32 Have regard to the joint Department of Transport, Tourism and Sport and the Department of Environment, Community and Local Government's Design Manual for Urban Streets and Roads (DMURS), (2013) and the National Transport Authority's Permeability Best Practice Guide (2015), in the provision of good urban design.

Objective PM33 Enhance and develop the fabric of existing and developing rural and urban centres in accordance with the principles of good urban design, including the promotion of high quality well-designed visually attractive main entries into our towns and villages.

Objective PM34 Locate different types of compatible land uses e.g., residential, employment, local retail, tourism, and daily service needs close together, so as to encourage a greater emphasis on the use of sustainable transport modes.

Objective PM35 Encourage a mix of uses in appropriate locations, e.g., urban centres, village centres, neighbourhood centres.

Objective PM37 Ensure a holistic approach, which incorporates the provision of essential and appropriate facilities, amenities, and services, is taken in the design and planning of new residential areas, so as to ensure that viable sustainable communities emerge and grow.

Objective PM38 Achieve an appropriate dwelling mix, size, type, tenure in all new residential developments.

Objective PM40 Ensure a mix and range of housing types are provided in all residential areas to meet the diverse needs of residents.

Objective PM41: Encourage increased densities at appropriate locations whilst ensuring that the quality of place, residential accommodation and amenities for either existing or future residents are not compromised

Objective PM44: Encourage and promote the development of underutilised infill, corner and back land sites in existing residential areas subject to the character of the area and environment being protected.

Objective PM42 The Guidelines for Planning Authorities 'Sustainable Urban Housing: Design Standards for New Apartments', 2015 issued by the then Minister for the Environment, Community and Local Government under Section 28 of the Planning and Development Act, 2000 (as amended) are required to be applied by the Planning Authority in carrying out its functions.

Objective PM43 Have regard to 'Sustainable Urban Housing: Design Standards for New Apartments' (2007).

Objective PM52 Require a minimum public open space provision of 2.5 hectares per 1000 population. For the purposes of this calculation, public open space requirements are to be based on residential units with an agreed occupancy rate of 3.5 persons in the case of dwellings with three or more bedrooms and 1.5 persons in the case of dwellings with two or fewer bedrooms.

Objective PM53 Require an equivalent financial contribution in lieu of open space provision in smaller developments where the open space generated by the development would be so small as not to be viable.

Objective PM60 Ensure public open space is accessible and designed so that passive surveillance is provided.

Objective PM61 Ensure permeability and connections between public open spaces including connections between new and existing spaces, in consultation to include residents.

In order to provide existing and future communities with adequate recreational and leisure opportunities, the Council will employ a flexible approach to the delivery of public open space and more intensive recreational/amenity facilities. It is the intention of the Council, however, to ensure, except under exceptional circumstances, public open space provision exceeds 10% of a development site area.

Objective PM70 Ensure proposals for large scale residential developments include a community facility, unless it can be established that the needs of the new residents can be adequately served within existing or committed community facilities in the area.

Objective PM74 Encourage the provision of childcare facilities in appropriate locations, including residential areas, town and local centres, areas of employment and areas close to public transport nodes.

Objective PM75 Ensure that childcare facilities are accommodated in appropriate premises, suitably located and with sufficient open space in accordance with the Childcare (Pre-School) Services) (No. 2) Regulations 2006.

Objective PM76 Require as part of planning applications for new residential and commercial developments that provision be made for appropriate purpose built childcare facilities where such facilities are deemed necessary by the Planning Authority.

Chapter 12 sets out the Development Management standards.

This chapter includes an extensive range of objective setting out development management standards. I have set out below some of the objectives which relate in particular to issues raised either by the applicant in the Material Contravention Statement submitted with the application or raised in submission received.

Objective include, but are not limited to:

Objective DMS20 and **DMS21** refer to the requirement for the provision of a minimum of 50% of apartments in any apartment scheme to be dual aspect.

Objective DMS24 require that new apartment units comply with or exceed the minimum standards as set out in Tables 12.2 and 12.3.

Objective DMS25 require that the majority of all apartments in a proposed scheme of 100 or more apartments must exceed the minimum floor area standard for any combination of the relevant 1-, 2- or 3- bedroom unit types, by a minimum of 10%.

Objective DMS30 Ensure all new residential units comply with the recommendations of Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice (B.R.209, 2011) and B.S. 8206 Lighting for Buildings, Part 2 2008: Code of Practice for Daylighting or other updated relevant documents.

Objective DMS39 New infill development shall respect the height and massing of existing residential units. Infill development shall retain the physical character of the area including features such as boundary walls, pillars, gates/gateways, trees, landscaping, and fencing or railings.

Objective DMS40 New corner site development shall have regard to:

- Size, design, layout, relationship with existing dwelling and immediately adjacent properties.
- Impact on the amenities of neighbouring residents.
- The existing building line and respond to the roof profile of adjoining dwellings.
- The character of adjacent dwellings and create a sense of harmony.
- The provision of dual frontage development in order to avoid blank facades and maximise surveillance of the public domain.
- Side/gable and rear access/maintenance space.
- Level of visual harmony, including external finishes and colours.

Objective DMS57 Require a minimum public open space provision of 2.5 hectares per 1000 population. For the purposes of this calculation, public open space requirements are to be based on residential units with an agreed occupancy rate of 3.5 persons in the case of dwellings with three or more bedrooms and 1.5 persons in the case of dwellings with two or fewer bedrooms.

Objective DMS57A require a minimum 10% of a proposed development site area be designated for use as public open space. The Council has the discretion for the remaining open space required under Table 12.5 to allow provision or upgrade of small parks, local parks and urban neighbourhood parks and/or recreational/amenity facilities outside the development site area, subject to the open space or facilities meeting the open space 'accessibility from homes' standards for each public open space type specified in Table 12.5. The Council has the discretion for the remaining open space required under Table 12.5 to allow provision or upgrade of Regional Parks in exceptional circumstances where the provision or upgrade of small parks, local parks and urban neighbourhood parks and/or recreational/ amenity facilities is not achievable. This is subject to the Regional Park meeting the open space 'accessibility from homes' standard specified in Table 12.5

Objective DMS57B require a minimum 10% of a proposed development site area be designated for use as public open space. The Council has the discretion to accept a financial contribution in lieu of remaining open space requirement required under Table 12.5, such contribution being held solely for the purpose of the acquisition or upgrading of small parks, local parks and urban neighbourhood parks and/or recreational/amenity facilities subject to the open space or facilities meeting the open space 'accessibility from homes' standards for each public open space type specified in Table 12.5. The Council has the discretion to accept a financial contribution in lieu of the remaining open space requirement to allow provision or upgrade of Regional Parks in exceptional circumstances where the provision or upgrade of small parks, local parks and urban neighbourhood parks and/or recreational/amenity facilities is not achievable, subject to the Regional Park meeting the open space 'accessibility from homes' standard specified in Table 12.5. Where the Council accepts financial contributions in lieu of open space, the contribution shall be calculated on the basis of 25% Class 2 and 75% Class 1 in addition to the development costs of the open space.

Objective DMS75 and DMS76 Provide appropriately scaled children's playground facilities within residential development. Playground facilities shall be provided at a rate of 4 sq.m per residential unit. All residential schemes in excess of 50 units shall incorporate playground facilities clearly delineated on the planning application drawings and demarcated and built, where feasible and appropriate, in advance of the sale of any units.

Car parking standards are split into Zone 1 which allows fewer car parking spaces and Zone 2 which allows a higher number of car parking spaces.

Zone 1 applies to areas which are:

- Within 1600m of DART, Metro, Luas, or BRT, (existing or proposed),
- Within 800m of a Quality Bus Corridor,
- Zoned MC, Major Town Centre, or
- Subject to a Section 49 scheme.

In mixed use developments, the car parking requirement will take account of different uses having peak parking demands at different times of the day and week. One space or more per 100 spaces should be reserved for disabled parking bays. One space or more per 100 spaces should be reserved for electric vehicles with charging facilities. Car parking spaces proposed to serve apartment/duplex residential development shall not be sublet or leased to non-residential owners or non-occupiers. Parking spaces provided within the general circulation of a development should not be assigned individually or to a group exclusively in a manner that would impede those areas being taken in charge as public roads

Zone 2 applies to all other areas.

6.4 Applicant's Statement of Consistency

The applicant has submitted a Statement of Consistency as per Section 8(1)(iv) of the Act of 2016, which states how the proposal is consistent with the policies and objectives of section 28 guidelines and the Fingal County Development Plan 2017-2023.

6.5 Statement on Material Contravention

The application documentation includes a report titled Statement of Material Contravention, which relates to issues of floor area standards, car parking provision, public open space and playground facilities set out in the Fingal County Development Plan 2017-2023.

The submitted report is summarised as follows:

Floor area standards:

Objective DMS25 of the Fingal County Development Plan 2017 – 2023 requires that the majority of all apartments in a proposed scheme of 100 or more apartments must exceed the minimum floor area standard for any combination of the relevant 1, 2 or 3 bedroom unit types, by a minimum of 10%.

The minimum gross floor areas for apartments / duplexes, as outlined in the Development Plan are:

3 bed 90sq.m

2 bed 73sq.m

1 bed 45sq.m

Section 5 of the Apartment Guidelines distinguishes between build-to-sell and build-to-rent typologies and provides express guidance on the Build to Rent (BTR) development typology as proposed in the subject application - in this regard SPPR 7 of the guidance is relevant. SPPR 8 goes on to provide distinct planning criteria applicable to BTR development and in this regard SPPR 8 (iv) removes the requirement that majority of all apartments in a proposed BTR scheme should exceed the minimum floor area standards by a minimum of 10%.

In order to comply with the above objective DMS25 of the Fingal County Development Plan, a minimum of 135 No. units in the proposed scheme should exceed minimum floor areas by 10%. 44 No. (16.4%) of units across the scheme are 'oversized' and exceed the minimum floor areas by 10%. This is below the standard outlined in Objective DMS25 of the Development Plan.

SPPR8 of the Sustainable Urban House: Design Standards for New Apartments(2020) specifies that "the requirement that the majority of all apartments in a proposed scheme exceed the minimum floor area standards by a minimum of 10% shall not apply to BTR schemes". The proposed scheme has been designed to comply with the Apartment Guidelines and therefore falls below the minimum thresholds for minimum floor area standards as outlined in the Fingal Development Plan thereby potentially contravening the development plan.

Car parking provision:

Table 12.8 of the Fingal County Development Plan 2017 – 2023 sets out the car parking standards. This includes inter alia:

Land Use	Criterion	Proposed	Notes	Category
Apartment/town house (1 bed)	unit	1	Plus 1 visitor space per 5 units	Residential
Apartment/town house (2 bed)	unit	1.5	Plus 1 visitor space per 5 units	Residential
Pre-School facilities/creche	classroom	0.5		Education
Offices General	GFA	1 per 30sq.m	Reduce by 50% near PT,MEC, MC, TC	Employment

The car parking standards are split into Zone 1 which allows fewer car parking spaces and Zone 2 which allows a higher number of car parking spaces.

Zone 1 applies to areas which are:

- Within 1600m of DART, Metro, Luas, or BRT, (existing or proposed),
- Within 800m of a Quality Bus Corridor,
- Zoned MC, Major Town Centre, or
- Subject to a Section 49 scheme.

According to the Development Plan, in mixed use developments, the car parking requirement will take account of different uses having peak parking demands at different times of the day and week. One space or more per 100 spaces should be reserved for disabled parking bays. One space or more per 100 spaces should be reserved for electric vehicles with charging facilities.

The proposed development will be located within c.650m of the proposed Northwood Metro Link station and within 800m of the Swords Quality Bus Corridor. It is therefore classed as Zone 1 which allows for a reduction in the car parking spaces provided such as that being proposed in this instance.

Based on the car parking standards outlined in Table 12.8 of the Development Plan, a total of 427 No. spaces are required to serve the proposed development. It is proposed to provide 142 No. spaces on the within the ground floor undercroft car park. 90 spaces are allocated to the apartments and 52 No. space are allocated to the office (incl. 8 No. disabled and one 1 No. Car Club space parking spaces). All spaces are provided with electric vehicle charging capability. A further 8 No. setdown car parking spaces are allocated to the creche on Northwood Crescent.

Parking is provided for residential use at a rate of 0.33 spaces per unit, in accordance with Sustainable Urban Housing: Design Standards for New Apartments. Guidelines for Planning Authorities. Due to the shortfall in car parking provision required in relation to the car parking standards as per Table 12.8, the applicant consider this to be a potential material contravention of the Development Plan.

The applicant has set out a justification which they are of the view clearly demonstrates the proposed development is consistent with national policy guidance, in particular Sustainable Residential Development in Urban Areas (2009) and Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2020) with particular reference to SPPR 7. It is submitted that the reduced provision of car parking spaces reflects the location of the development in relation to its connectivity and access to public transport services.

Public Open Space:

Objective DMS57 of the Fingal County Development Plan 2017 – 2023 states the following: 'Require a minimum public open space provision of 2.5 hectares per 1000 population. For the purposes of this calculation, public open space requirements are to be based on residential units with an agreed occupancy rate of 3.5 persons in the case of dwellings with three or more bedrooms and 1.5 persons in the case of dwellings with two or fewer bedrooms.'

Additionally, the Development Plan states that 'in general the public open space shall be provided at a ratio of 75% Class 1 and 25% Class 2.'

The proposed scheme will provide for 2,380 sqm of public open space. Due to its size being in excess of 0.2 ha, this public open space is defined as a 'Small Park' as per Table 12.5 of the Development Plan.

The applicant respectfully submits that it is not feasible in this instance to provide Class 1 Public Open Space given the size of the application site being c. 1.3 ha. The public open space provision provided is well in excess of 10% of the total site area (1,530 sqm). Additionally, Santry Demesne Regional Park, an Urban Neighbourhood Parks (Class 1 as per Development Contribution Scheme), measuring some c.29 ha is within 700m of the subject site. Balcurris Park is located between 400m from the site and provides a range of playing pitches, nature trails and playgrounds.

The applicant is of the opinion that, the 10% minimum standard to provide POS in this instance is more appropriate given the need to provide a sustainable level of residential density on a site in close proximity to high quality public transport nodes in line with the NPF and RSES. It is proposed to make a payment in lieu of the public open space shortfall, allowed for under Objective DMS57B and DMS57A of the Development Plan

Playground Facilities:

Objective DMS75 and DMS76 of the Fingal County Development Plan 2017 – 2023 states the following in relation to the provision of public open space:

“Provide appropriately scaled children’s playground facilities within residential development. Playground facilities shall be provided at a rate of 4 sq.m per residential unit. All residential schemes in excess of 50 units shall incorporate playground facilities clearly delineated on the planning application drawings and demarcated and built, where feasible and appropriate, in advance of the sale of any units”.

“Ensure that in the instance of an equipped playground being included as part of a specific facility, it shall occupy an area of no less than 0.02 hectares. A minimum of one piece of play equipment shall be provided for every 50 sqm of playground”.

There are 268 No. units proposed, therefore playground facilities measuring 1,072 sqm is required. The development includes a large public playground (400 sqm) as part of public open space along the western boundary. In the courtyard garden, residents have access to further playground facilities (200 sqm). A total of 600 sqm of play space is included as part of the proposed development, as such there is a shortfall of 472 sqm.

It is submitted that the subject development can be considered strategic in nature, as it complies with the overarching themes of the NPF 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 development accords with the NPF's aims to consolidate Dublin through the development of underutilised, infill sites in locations that benefit from high quality public transport links.

It is considered that the proposed development will inherently accord with National and Regional sustainable planning principles in respect of minimum floor areas, car parking and public open space, particularly in relation to the promotion of more compact and efficient forms of urban development on brownfield sites and increased residential densities in appropriate locations, specifically in close proximity to high quality public transport services and centres of employment.

This is in line with the:

- National Planning Framework;
- Regional Spatial and Economic Strategy for the Eastern and Midland Region;
- Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities 2009; and
- Design Standards for New Apartments - Guidelines for Planning Authorities 2018.

On that basis, it is submitted that the Board can grant permission for the proposed development in respect of minimum floor areas, car parking, and amenity provision, having regard to subsection (iii): “permission for the proposed development should be granted having regard to regional planning guidelines for the area, guidelines under section 28, policy directives under section 29, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government.” It is considered that this statement provides appropriate justification for the Board to grant permission for the development in accordance with national policy and guidelines.

(The applicant's Material Contravention Statement refers to the 2018 Guidelines in error. The Guidelines in effect at the time the application was lodged were the 2020 Guidelines).

6.6 Designated Sites

The proposed development is not in or adjacent to any Natura 2000 sites or pNHAs. Refer to section 12 of this report where I have identified designated site relevant for the purposes of appropriate assessment.

7.0 Observer Submissions

The Board received 14 valid submissions, these include 5 from Prescribed Bodies (refer to section 9 of this report) and 9 observer submissions which I propose to summarise in this section.

The bulk of the submissions are from local residents of Northwood (Northwood Avenue, Lymewood Mews, Cedarview and Temple Court). There is a significant degree of overlap and reiteration of issues raised in the submissions and I propose to summarise these by topic rather than individually.

A submissions have been received from Roisin Shortall TD, this raises issues relating to poor tenure mix, creation of a transitory population, over supply of BTR, inappropriate height, lack of school places and community amenities, lack of local services and infrastructure.

A submission is also received from John Conway and the Louth Environmental Group (BLC Solicitors), this relates inter alia to material contraventions of the plan, status of section 28 Guidelines, EIA and AA.

In summary the topics raised are summarised below and are dealt with later in the assessment that follows:

Material Contravention of Fingal County Development Plan.

- Car parking standards. Bus Connects needs to be considered in the context of material contravention regarding car parking standards and demand for spaces. And lack of justification for no visitor spaces.
- Minimum Floor Area Standards: Different building standards for BTR and BTS, the planning authority should factor in local development standards set for the County Development Plan and the change in living and working styles for residents of these apartments.
- The proposed development materially contravenes the density, housing mix, provision of public open space. The aforesaid materially contravention cannot be justified by reference to s.37(2) of the Planning and Development Act 2000 or s.28 Guidelines.

- The proposed development materially contravenes the Development Plan/Local Area Plan and the provisions relating to building height and visual impact. The aforesaid materially contravention cannot be justified by reference to the Guidelines for Planning Authorities on Urban Development and Building Height 2018 ('the Height Guidelines'), including SPPR's set out therein. The aforesaid materially contravention cannot be justified by reference to s.37(2) of the Planning and Development Act 2000.
- The proposed development and documentation presented does not comply with the requirements of the Guidelines for Planning Authorities on Urban Development and Building Height 2018 ('the Height Guidelines'), including SPPR's set out therein and the criteria and specific assessments identified therein, including SPPRs 1,2 and 3 referred to in the Material Contravention Statement submitted. The Board cannot grant permission for the proposed development in circumstances where the relevant criterion under the Height Guidelines, which are mandatory in nature, cannot be satisfied.
- The Board cannot grant planning permission for this development under section 37(2)(b) of the Planning and Development Act 2000. The proposed development is not of strategic or national importance – the Developer has not adduced any objective basis for asserting that the proposed development is of strategic or national importance. Purported reliance in the definition of 'strategic housing development' under the 2016 Act as a basis for asserting that the proposed development is of strategic or national importance is erroneous.
- If the Board purports to justify non-compliance with the objectives of the LAP, Development Plan, masterplan and/or Urban Design Framework – same will amount to an unlawful breach of the requirements of the SEA Directive.

Cumulative Impact of developments:

- Negative cumulative impact of apartment developments in the area since 2109 without due consideration for services, amenities, schools, public transport.
- The development will not fit in with the character of the area and will have a negative impact on homes built already
- The area is overdeveloped with a massive amount of SHDs

Traffic & Transportation:

- There is significant congestion to date arising from all the large scale developments in the area. The traffic associated with the proposed development will significantly add to the congestion in the locality /access roads.

- Justification for apartments in the area based on the provision of Metro which is a pipe dream.
- No public transport/bus route serving the local community.
- Lack of public transport has resulted in an over reliance on private cars which has resulted in serious parking and safety issues which will be further exacerbated with the proposed development.
- Lack of public transport capacity to cater for additional developments and volume of people.
- Lack of parking for number of residents proposed.
- Reference to Metro link is premature.
- O direct bus route from Northwood to city centre. Have to walk 20 minutes to get to a bus stops that serves the city centre.
- Premature development pending the delivery of the Metro.
- Reference to Bus Connects Spine Route E1 should be clarified and if there is a commitment from Northwood Management to collaborate with the NTA to allow a bus route operate within its private roads.
- The area is not pedestrian friendly.
- Unclear where the E1 terminus/bus stops will be located and whether the application will materially impact NTAs development plan for he E1 route and its associated infrastructure.
- Bus Connects needs to be considered in the context of material contravention regarding car parking standards.
- Concerns regarding lack of visitor car parking spaces.
- The Car parking rationale appears to be highly dependent on the future development of public transport in the immediate area.
- Upgrade to public footpaths and the need for segregated paths for pedestrians and cyclists.
- Submission doe not disagree with the need to reduced private car travel as part of the overall national plan for Climate Action but this can only be achieved alongside proper public transport infrastructure in situ.
- EVC spaces need to be clarified.

Tenure Type & Unit Mix:

- Too many 1 bed and no 3 bed units proposed.
- BTR are not the answer to the housing crisis as they do not allow ownership nor conducive to a cohesive community spirit given the transient nature of rental properties.
- Oversupply of BTR in the area.
- Poor tenure mix with 100% BTR proposed.

Height & Design:

- Height is considered excessive for the area.
- Reduced height design changes welcomed between the Pre-Application Consultation proposal and Application Lodged. But concerns remain that the proposed height is excessive and of significant dominance in comparison to the other buildings/developments situated to the Northwood Avenue/Northwood Road/Affidea roundabout.
- Highest apartment block in Northwood is 8 storeys.
- The two tone colour scheme/layout appears over dominant.
- The LVIA photomontage report does not appear to reflect how the north end of Block B (9 and 10 storeys) will look next to Lymewood Mews apartments.
- Overall visual amenity of Northwood should be retained.
- BTR operational proposals are positive factors to make living spaces better and enhancing the well being of residents.

Residential Amenities:

- Height of the proposal will have a negative impact on the enjoyment and use of adjacent residential properties and the common areas of adjacent estates.
- 12 storey proposed (c.39.7m) will result in loss of sunlight to residents of Lymewood Mews. The submitted Sunlight/Daylight/Overshadowing analysis does not analysis this. An updated one was sought in ABP Inspector's report for adjacent properties.
- Anti social behaviour and vandalism in the area, this will escalate if playgrounds are provided. Lack of Garda in the area.
- Concerns regarding dust and debris during the construction phase and the impact on residents.
- Appears to be significant overshadowing of the west side of the Lymewood apartments

Social Infrastructure:

- Lack of proper infrastructure and amenities.
- Schools, creches, GP and Dental surgeries are at capacity.
- No schools within easy walk distance.

EIA Screening:

- The EIAR is inadequate and deficit and does not permit assessment of the potential environmental impacts of the proposed development.

- Notwithstanding that the proposed development is sub-threshold for the purposes of requiring an mandatory EIA, by way of general overview it is submitted that due, inter alia, to the nature of the development site (which includes the fact that it currently contains identified contaminants, including asbestos), that nature of the proposed development (including the proposed height of same) and locus of the proposed development adjacent to a protected habitat, it should have been subjected to a full EIA. Article 2 (1) of Directive 2011/92 (as amended by Directive 2014/52/EU) governs the relationship between giving consent and the assessment of the environmental effects.
- The application and application documentation does not comply with the requirements of the Planning and Development Regulations 2001 (as amended) in relation to EIA Screening.
- The proposed development and documentation submitted, including the Planning Report, does not comply with the requirements of the Planning and Development Act 2000, the Planning and Development Regulations 2001 or the EIA Directive. The information submitted by the developer is insufficient and contrary to the requirements of the EIA Directive (Directive 2011/92/EU as amended by Directive 2014/52/EU) and the provision of national law, including the Planning and Development Act 2000 (as amended) and the Planning and Development Regulations 2001 (as amended).
- The criteria contained in the EIA Screening Report does not comply with the requirements of the Planning and Development Act 2000, 2016 Act and associated Regulations. The Application and application documentation does not comply with the mandatory requirements of the Planning and Development Regulations 2001 (as amended).
- Having regard to the potential cumulative impacts arising from the proposed development and similar SHD developments and noting the size of the proposed development the EIAR has failed to provide a comprehensive cumulative assessment of the project in the EIAR.
- The Population and Human Health chapter of the EIA Screening Report is inadequate in that it fails to assess the impact of an increased population in the area on services including schools, childcare and medical care.
- The impact on biodiversity and human health arising from the proposed development, during the construction and operational phases, is inadequate and lacking in terms of detail – the EIA Screening Report is deficient in this regard.
- The EIA Screening is deficient and flawed insofar as it is based on an incomplete description of the proposed development – including those aspects of the development pertaining to the construction phase.
- The proposed development does not comply with an is not in accordance with BRE Guidelines. The proposal is not in compliance with the said Guidelines.

Appropriate Assessment:

- The proposed development does not comply with the requirements of the Planning and Development Act 2000 (as amended) (under Part XAB of the 2000 Act (SS 177R-177AE) the Habitats Directive due to inadequacies, lacunae in the AA Screening Report prepared by the developer for the Board, does not have sufficient and/or adequate information before it to carry out a complete AA screening in relation to the proposed development.
- The AA screening assessment does not provide sufficient reason for findings are required under Article 6(3) of the Habitats Directive and national law, to the requisite standard. – the conclusions/statements made therein do not identify any clear methodology and no analysis is offered in respect of AA screening conclusions in respect of protected sites ‘screened out’ at the said AA screening stage - There is an absence of reasoning provided in relation to screening conclusions by reference to scientific information.
- The AA Screening is flawed insofar as it does not consider all aspects of the proposed development – including relevant aspect arising during the construction phase , such as construction compounds and haul roads etc.
- Insufficient surveys have been carried out to assess the potential impacts arising from bird collision/flight risks in so far as the proposed development may impact bird flight paths.
- The AA screening fails to identify and consider all potential impacts on protected bird species – including by reference to potential collision flight risk during both construction and operation phase of the proposed development.
- No regard/or inadequate regard have been given to the cumulative effects the proposed development, in combination with other development in the vicinity.
- The AA Screening report impermissibly has regard to mitigation measures.
- Insufficient site specific surveys were carried out for the purpose of the AA Screening – same is based on an absence of site specific scientific evidence.

SEA Directive

- The Board should refuse to consider and cannot grant permission for the proposed development in circumstance where such grant would have to be justified by reference to the Guidelines for Planning Authorities on Urban Development and Building Height 2018 and the Apartment Guidelines dated December 2020. These Guidelines and the specific planning policy requirements contained therein are ultra vires and not authorised by section 28(1C) of Planning and Development Act 2000 (as amended). In the alternative, insofar as section 28 (1C) purports to authorise these Guidelines including specific planning policy requirements, such provision is unconstitutional/repugnant to the Constitution. The said Guidelines are also contrary to the SEA Directive, insofar as they purport to authorise contraventions of the development plan/local areas plan, without an SEA being conducted, or a screening for SEA being conducted, on the variations being brought about to the development

Other:

- Any mature trees on site should be protected and retained.
- Clarify Management Company details.
- The applicant has not demonstrated that there is sufficient infrastructure capacity to support the proposed development, including by reference to public transport, drainage, water services and flood risk.
- The Santry River is approx..675m to the north of the site and flows in a south east direction into North Dublin Bay. This river is a risk of not meeting it WFD status objectives.
- The Draft Dublin City Development Plan 2022-2028 has made a recommendation of no more than 40% BTR in development of more than 100 homes.

8.0 Planning Authority Submission

8.1 In compliance with section 8(5)(a) of the 2016 Act, Fingal County Council submitted a report of its Chief Executive Officer in relation to the proposal. This was received by An Bord Pleanála on 25th May 2022. The report notes the planning history in the area, policy context, site description, summary of third party submissions, summary of views of the relevant elected members, and planning analysis of the proposal. The submission includes several technical reports from relevant departments of Fingal County Council. The CE Report from Fingal County Council is summarised hereunder

8.2 Summary of View of Elected Members (Special Meeting of the Balbriggan/Rush-Lusk/Swords Area Committee (Services B and General Matters) (date unknown).

A summary of points of note is set out below:

- Query how densities fit in with RSES and how to ensure resident facilities will be maintained.
- Query closing date for submissions.
- Query of net densities are appropriate, do they contravene high/density guidelines. Are they consistent with SPPR 3 and DMS25.
- Query if all units are BTR.
- Reference to current investigation into ABP and impacts upon confidence and trust in ABP decisions. People and first time buyers cannot afford to buy houses in Dublin. Metro area, but this is delayed. Proposal is high rise without amenities. Part V provisions need to be equitable.
- BTR on this scale is not appropriate. Mix of tenure needed. Request opportunity to send in more observations.

- Query quantum of parking spaces with metro nearby and delay in delivery.
- BTR supported as needed in Dublin. This is an area suitable for higher density. Query what is the general density in the area.
- Noted that this is Ireland and not Europe therefore ethos of Ireland should be followed. Query comparison of density with other sites.
- SHDs should be rejected and regular planning proposals that adhere to the Fingal County Development Plan and the Swords Masterplans (May 2019) should be submitted instead to Fingal County Council planning department. Permission for Metrolink should be granted before any development is allowed to take place on these lands.

Submissions:

The report includes a summary of 13 submissions received, including 4 from Prescribed Bodies (TII, IPI, daa and IAA).

8.3 Planning Assessment/Opinion

Zoning

The planning authority is of the view that the proposal for a BTR residential scheme of 268 apartments and an office building may be acceptable in principle where the development would be compatible with the overall policies and objectives for the zone, would not have undesirable effects, and would otherwise be consistent with the proper planning and sustainable development of the area.

Proposed Uses and Density

The planning authority considered that the density proposed at this location to be generally acceptable, however An Bord Pleanála should satisfy itself of the situation regarding existing public transport in the vicinity and whether qualitatively and quantitatively this meets the appropriate standard for high quality provision in the interests of sustainable development and the proper planning of the area.

Height

The planning authority considers the proposed height at this location to be acceptable having regard to the location of the site in close proximity to the future MetroLink and the precedent set in the area for increased height.

The staggered design, massing and height of the proposed apartment blocks deliver a high-density scheme, would respond well to the scale of adjoining development and would create visual interest in the streetscape.

Notwithstanding this, An Bord Pleanála, being the competent authority, need to satisfy themselves that the proposed development height will not negatively impact on the residential amenities of the area, existing streetscape or visual amenities of the area.

Architecture, Urban Design and Visual

Noted an Architectural Design Statement submitted.

A DMURS Statement of Consistency submitted which confirms that the roads and streets in the proposed development have been designed in accordance with DMURS.

A palette of materials should be submitted and final materials agreed with the planning authority.

The planning authority notes that nearby apartment developments of 'Bridgefield' and 'Pappan Grove' and the housing development of 'Cedarview' have been recently constructed. The wider hinterland generally comprises low density semi-detached and terraced housing therefore a well designed high density apartment scheme such as the proposed could sustainably optimise the land resource which would contribute to re-balancing the wider residential tenure. The proposed development would provide a strong street frontage around the perimeter of the site.

An Bord Pleanála, being the competent authority, need to satisfy themselves that the proposed development will not negatively impact on the visual amenities of the area.

Residential Units

Floor areas, storage and private amenity space appear to meet or exceed the standards set out in the 2020 Apartment Guidelines.

Notwithstanding this, An Bord Pleanála, being the competent authority, need to satisfy themselves that the report submitted is robust and that the proposal scheme has been designed in accordance with the requirements of the 2020 Apartment Guidelines.

Results of the Daylight and Sunlight Assessment are noted.

An Bord Pleanála, being the competent authority, need to satisfy themselves that the proposal will provide for adequate levels of daylight/sunlight for future potential residents.

Residential Amenity

The planning authority notes that the site is bounded by existing roads to the north, east, south and west with a commercial office building also to the west therefore given the adequate separation distances proposed it is not foreseen that the proposed development would have a negative impact on existing residential amenity in the area.

Notwithstanding this, An Bord Pleanála, being the competent authority, need to satisfy themselves that the proposal will not negatively impact on the existing residents located within the vicinity of the subject site.

Childcare Facilities

The submission of a Childcare Demand Audit is noted.

If permission is granted it is recommended that a condition be attached requiring that the creche to be operational prior to the occupation of the residential units.

Green Infrastructure

Refer to report from Parks and Green Infrastructure Division.

Public Open Space:

The public open space within the subject site is not acceptable as public open space as it does not meet FCC standards for Public Open Space provision. It is not suitable for active play and its main function is tree retention.

There is therefore a shortfall in the quantum of public space generated through the development works of 1.01hectareas. The applicant is required to make up this shortfall by way of a financial contribution in lieu of public open space provision.

Play Provision:

There is therefore a shortfall of c.672sq.m in the playground provision. The applicant is required to make up this shortfall by way of a financial contribution in lieu of public open space provision.

Play Equipment Items:

Full details to be submitted and agreed prior to the commencement of development.

Boundary Treatment:

A solid bar railing at the crèche garden is considered more appropriate than a timber fence.

Trees:

Recommendation for a tree bond of €350,000.

The planning authority notes that the area is covered by the Santry TPO 1987. An notes that the proposal includes the retention of mature trees (no. 716 & 717)

Reports relating to ecology, wildlife and biodiversity are noted., These include a Bat Report and an EclA.

It is recommended that the recommended conditions from the Parks and Green Infrastructure Division be attached to any condition. Notwithstanding this, An Bord Pleanála, being the competent authority, need to satisfy themselves that the report submitted are robust and that the proposal are acceptable with respect to green infrastructure.

Movement and Transport

Refer to the report prepared by the Transportation Planning Section.

Car Parking:

The Transportation Planning Section considers the minimum practical parking demand to be one space for units with two bedrooms or less (studio units are considered to have no parking demand) and two spaces for units with three or more bedrooms.

There is parking demand for 393 parking spaces and 268 from the perspective of the minimum practical parking provision. The proposal has 90 dedicated residential parking spaces. It is noted that no visitor parking is included. It would be prudent for a development of this scale to include visitor parking and avoid the potential for ad-hoc on street parking.

For non-residential uses (creche and office space. A total of 57 spaces would be required as per the Development Plan standards, 52 proposed.

It is noted that there does not appear to be any control measures implements to segregate out the parking areas to ensure residential spaces are restricted for and available 24/7 for residential use only.

Should consider the relocation of the 6 non residential spaces adjoining the residential mobility impaired space and provide a control barrier.

Bicycle Parking:

662 proposed. Development Plan standards require 546.

The excess parking can lead to a large number of visitor parking that is underutilised. A reduction in the visitor parking would be prudent, alternatively visitor parking could be provided on a phased basis depending on demand.

Cycle facilities should comply with the NTA Cycle Manual.

Set down area provide form the creche. But dedicated parking for the creche has not been identified.

Query if there is a direct access for cyclist from the podium parking onto Northwood Park.

Access for cyclist to podium car park could be improved.

EV charging noted.

Swept Path Analysis noted

Traffic and Transport Assessment :

Reviewed and noted. Most junctions are operating at capacity except the junction of Old Ballymun Road and Northwood Avenue which is to be upgraded. A Special Contribution has been levied on a number of development within the Santry Demesne to provide this upgrade.

It is recommended that the recommended conditions from the Transportation Planning Section be attached to any condition. Notwithstanding this, An Bord Pleanála, being the competent authority, need to satisfy themselves that the report submitted are robust and that the proposals are acceptable with respect to movement and transport.

Infrastructure and Services

Refer to the report prepared by the Water Services Department.

An Bord Pleanála, being the competent authority, need to satisfy themselves that the report submitted with the FRA is adequate.

The development proposes a single outfall into the existing surface water located within the Northwood Road bounding the site. The sewer in this location is 450mm ND but does not appear on records (this could be due to incorrect/incomplete records and/or services being within private ownership). The latter is believed to be the case, however it would be in the applicant's interest to nevertheless verify the services and ensure necessary legal interest to effect a connection

IW have confirmed that a proposed connection to the IW network is feasible (without upgrade) subject to a valid connection agreement. It is noted however the potential for future upgrade which the applicant may be required to contribute to.

It is recommended that the recommended conditions from the Environment Department Waste Management be attached to any condition. Notwithstanding this, An Bord Pleanála, being the competent authority, need to satisfy themselves that the report submitted are robust and that the proposal are acceptable with respect to infrastructure and services.

Waste Management

A pCEMP and a C&DWMP are submitted.

It is recommended that the recommended conditions from the Water Services Department be attached to any condition. Notwithstanding this, An Bord Pleanála, being the competent authority, need to satisfy themselves that the report submitted are robust and that the proposal are acceptable with respect to waste management.

Archaeology

An Archaeological Assessment is submitted.

The planning authority consider that it is unlikely that archaeological features are present on site given the level of previous disturbance therefore the planning authority considered that there are no predicted impacts on archaeological features and no further archaeological work is deemed necessary. Notwithstanding this, An Bord Pleanála, being the competent authority, need to satisfy themselves that the report submitted are robust and that the proposal are acceptable with respect to archaeology.

Public Health

The site is located within the Dublin Airport Noise Zone D therefore noise mitigation measures would be required for residential developments.

Refer to report from the Environmental Health & Noise Unit and any recommended conditions should be attached. Notwithstanding this, An Bord Pleanála, being the competent authority, need to satisfy themselves that the report submitted are robust and that the proposal are acceptable with respect to public health.

Public Art

A suggested area for public art has been identified in the public open space to the west of the proposed apartments.

It is recommended that the recommended conditions from the Community, Culture & Sports Department be attached to any condition.

Taking in Charge

It is noted that Northwood is privately managed with the exception of some areas of public open space. Notwithstanding all works should be carried out the FCC standards.

Part V

27 units proposed (10%). Located in Block B2 (13 no.1 bed and 14 no. 2 bed).

Standards condition should be attached to any grant of permission.

Appropriate Assessment (AA) and Environmental Impact Assessment (EIA)

The planning authority noted that An Bord Pleanála are responsible for the consideration of Stage 1/Stage2 Natura Impact Statement prepared by the application and the carrying out of an AA screening or AA for the proposed application.

The planning authority noted that An Bord Pleanála is the competent authority in relation to EIA screening/scoping, the consideration of any EIA report by the application and the carrying out of an EIA of any SHD application.

8.4 Chief Executive Report Conclusion & Recommendation

The proposed development has been assessed and considered having regard to matters specified in section 34(2) of the Planning and Development Act 2000 (as amended) and to submissions and observations received by the Board.

The planning authority considered that the proposed development is well located within the Northwood Business Campus, is a well-designed high-density scheme which could sustainably optimise the land resource and would contribute to re-balancing the wider residential tenure. Furthermore, it is considered that the scheme will provide for an appropriate standards of residential development and is considered to be acceptable subject to conditions.

Statement in accordance with Section 8(5)(b)(II)

Having regard to the location of the site on lands zoned Metro Economic (ME) in the Fingal County Development Plan 2017-2023 which seeks to 'facilitate opportunities for high density mixed use employment generating activity and commercial development, and support the provision of an appropriate quantum of residential development within the Metro Economic Corridor' to the nature, scale and design of the development proposed, to the pattern of existing and permitted development in the area and the provisions of the Development Plan, the relevant Section 28 Guidelines, with specific reference to the Urban Design Guidelines, DMURS, Quality Housing for Sustainable Communities, Design Standards for New Apartments (2020) and the Sustainable Residential Development in Urban Areas Guidelines, subject to compliance with the conditions set out, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would respect existing character and aid in the development of new character to the area and would be acceptable in terms of traffic safety and pedestrian permeability. The proposed development would therefore be in accordance with the Fingal Development Plan objectives and the proper planning and sustainable development of the area.

Suggested Conditions

The suggested schedule of conditions includes to 32 conditions, this are broadly standard conditions.

The planning authority note that sometimes specific technical conditions are replace by generic conditions and note that it would be helpful if in these instances would toe them back to the requirement set out in the relevant department technical reports prepared and included with the CE report.

Conditions include inter alia:

No. 2 relates to the creche to be operational and playground completed prior to occupation of the residential units.

No. 6 relates to each apartment shall be used as a single dwelling unit and not for multiple occupancy living units/non-residential uses.

No. 7 relates to noise insulation having regard to location within Dublin Airport Noise Zone D.

No. 8 Requirements of Transportation Department.

No. 11 relates to trees and hedgerows and includes inter alia the requirement for Arboricultural Assessment & Tree Report, Tree Protection Strategy and Method Statement.

No. 13 relates to play facilities.

No. 14 relates to the shortfall in public open space and section 48 contribution in lieu.

No. 15 relates to the shortfall in playground provision and section 48 contribution in lieu.

No. 16 relates to the provision of public art/sculpture/architectural feature.

No. 26 relates to use of crane in agreement with daa and IAA.

8.5 Summary of Inter-Departmental Reports

I refer the Board to CE report which contains a copy of all Interdepartmental reports.

- Water Services Department: No objection subject to conditions.

- Transportation Department: No objection subject to conditions.
- Parks & Green Infrastructure: No objection subject to conditions.
- Environment Department Waste Management: No objection subject to conditions.
- Environmental Health Officer (Air and Noise Unit): No objection subject to conditions.
- Arts and Culture Department: No objection subject to conditions.

9.0 Prescribed Bodies

Pursuant to article 285(5)(a) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant was informed at Pre-Application Consultation stage that the following authorities should be notified in the event of the making of an application arising from this notification in accordance with section 8(1)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016: Irish Water, Dublin City Council, Dublin Airport Authority, Irish Aviation Authority, National Transport Authority, Transport Infrastructure Ireland and The relevant childcare committee for the area

The following Prescribed Bodies have made a submission on the application (including Inland Fisheries Ireland):

Irish Water (IW):

Submission notes the following:

- Water: Feasible without infrastructure upgrade by Irish Water. A new 200mm diameter service connection to be made to the 200mm diameter watermain on Northwood Road, bulk meter to be installed and linked up with telemetry online. Onsite storage is required for all commercial units, 24-hour period at Day Peak Week demand. Refill time of 12 hours from empty to full.
- Wastewater: Feasible without infrastructure upgrade by Irish Water. As noted in IW's Pre-Connection Enquiry, dated 17th August 2021, there is a high level of development interest in the area. While capacity is currently available in the wastewater network, the 700mm river crossing sewer at the downstream of the sewer network may have to be considered for upgrade. This will be discussed and agreed at connection application stage. Should upgrade works be required, the applicant is required to contribute a relevant portion of the costs associated with this.

- Design Acceptance: The applicant (including any designers/contractors or other related parties appointed by the applicant) is entirely responsible for the design and construction of all water and/or wastewater infrastructure within the Development redline boundary which is necessary to facilitate connection(s) from the boundary of the Development to Irish Water's network(s) (the "Self-Lay Works"), as reflected in the applicants Design Submission. A statement of Design Acceptance was issued by Irish Water on 9th March 2022, connection Ref. No. CDS21003247.

Recommended conditions set out in the submission.

Transport Infrastructure Ireland(TII):

- TII requests that the Council has regard to the provisions of Chapter 3 of the DoECLG Spatial Planning and National Roads Guidelines in the assessment and determination of the subject planning application.
- Future Metro and Bus-Connects are a matter for the NTA.

Irish Aviation Authority (IAA):

- The applicant should be directed to engage directly with daa Dublin Airport and the IAA's Air Navigation Service Provider (ANSP) to assess the impact of the proposed development on Dublin Airports obstacle limitation surfaces, the design and maintenance of flight procedures and communications, navigation and surveillance equipment. This should also incorporate the proposed utilisation of any cranes that would be necessitated during construction.
- In the event of planning consent being granted, the applicant should be conditioned to notify daa Dublin Airport and the Authority of the intention to commence crane operations with at least 30 days prior notification of the erection.

Dublin Aviation Authority (daa)

- Instrument Flight Procedures & Obstacle Limitation Surfaces: Based on the submitted documentation and correspondence with our IAA ANSP colleagues, the Above Mean Sea Level (AMSL) elevation of the proposed development exceed the value applied when assessing potential impacts to Instrument Flight Procedures at Dublin Airport (for which the IAA Air Navigation Service Provider are responsible). More significantly any craneage during used during construction is likely to be at a higher elevation, requiring both the buildings and craneage to be assessed by an approved Instrument Flight Procedure Designer. This information has been communicated to the applicant (copy of correspondence attached) .

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

Inland Fisheries Ireland (IFI):

- The proposed development is located in the catchment of the Santry River. The Santry River is non-salmonid in its upper reaches but Brown Trout have been identified by IFI in its lower reaches.
- If permission is granted, all works will be completed in line with the Construction Management Plan (CMP) which ensures that good construction practices are adopted throughout the works period. The CEMP should detail and ensure Best Construction Practices including measures to prevent and control the introduction of pollutants and deleterious matter to surface water either directly or indirectly through the storm water drainage network and measures to minimise the generation of sediment and silt.
- There can be no direct pumping of contaminated water from the works to a watercourse at any time. Any dewatering of ground water during excavation works must be pumped into an attenuation area before being discharged offsite. A section 4 discharge licence may be required.
- Precautions must be taken to ensure there is no entry of solids, during the connection to the surface water system.
- It is essential that local infrastructural capacity is available to cope with increased surface and foul water generated by the proposed development in order to protect the ecological integrity of any receiving aquatic environment. It is noted that Ringsend WWTP is currently working at or beyond its design capacity and won't be fully upgraded until 2025. Scheduled completion of interim works to enable the production of a compliant effluent for 2.1m PE is the end of 2023 and scheduled completion of final works is the end of 2025 to a capacity of 2.4m PE. A High Court judge has also ruled planning permission must be quashed for a proposed €500 million wastewater treatment plant at Clonshaugh, intended by Irish Water to supplement the Ringsend wastewater treatment plant.
- Mitigation measures such as silt traps and oil interceptors should be regularly maintained during the construction and operational phase. If permission is granted we suggest a condition to require the owner to enter into an annual maintenance contract in respect of the efficient operation of the petrol/oil interceptor.
- All discharges must be in compliance with the European Communities (Surface Water) Regulations 2009 and the European Communities (Groundwater) Regulations 2010.

- The Department of Housing, local Government and Heritage have recently published the following interim guidance document on Nature-based Solutions to the Management of Rainwater and Surface Water Runoff in Urban Areas Water Sensitive Urban Design Best Practice Interim Guidance Document which should be considered when designing drainage systems.

10.0 Planning Assessment

The Board has received a planning application for a housing scheme under section 4(1) of the Planning and Development (Housing) 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, third party observations and submissions by Prescribed Bodies.

The assessment considers and addresses the following issues:

- Principle of Development, Quantum and Nature of Development
- Design Strategy
- Residential Standard for Future Occupiers.
- Potential Impact on Adjoining Properties/Lands.
- Traffic and Transportation
- Services & Drainage
- Ecology/Biodiversity
- Trees
- Part V
- Social Infrastructure
- Childcare
- Other Matters

- Material Contravention
- Chief Executive Report

As highlighted in section 6 the Apartment Guidelines were updated in December 2022, subsequent to the lodgement of the subject application. The updated Guidelines do not include Specific Planning Policy Requirements (SPPRs) 7 and 8, which relate to BTR development. The amended Guidelines came into effect on 22nd December 2022. Transitional arrangements are set out in Circular Letter NRUP 07/2022, which states:

All current appeals, or planning applications (including any outstanding SHD applications and appeals consequent to a current planning application), that are subject to consideration within the planning system on or before 21st December 2022 will be considered and decided in accordance with the current version of the Apartment Guidelines, that include SPPRs 7 and 8.

My assessment is therefore based on the 2020 Apartment Guidelines.

10.1 Principle of Development, Quantum and Nature of Development

10.1.1 Context

Having regard to the nature and scale of development proposed, namely an application for 268 Build to Rent (BTR) apartments, office building and creche located on lands for which residential development is permitted in principle under the zoning objective ME, I am of the opinion that the proposed development falls within the definition of Strategic Housing Development, as set out in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

A common thread across submissions received relate to the principle of the development on this site, in particular the proposal for Build to Rent apartments at this location and the suitability of this type of tenure for the area.

10.1.2 Land Use Zoning

The site is located on lands which are the subject of Land Use Zoning Objective ME – Metro Economic Corridor with a stated objective to “facilitate opportunities for high density mixed use employment generating activity and commercial development, and support the provision of an appropriate quantum of residential development within the Metro Economic Corridor”. Residential development, offices and childcare facilities are permitted in principle. The principle of development is therefore acceptable, subject to the detailed planning considerations, as set out hereunder.

10.1.3 Density and Site Coverage

The proposal is for 268 BTR apartments on a site with a stated area of c.1.36hectares therefore a density of c.196 units per hectare is proposed.

Observers have raised concerns that the proposed density materially contravenes the current Fingal County Development Plan.

The submitted CE Report stated that the density proposed at this location to be generally acceptable, however noted An Bord Pleanála should satisfy itself of the situation regarding existing public transport in the vicinity and whether qualitatively and quantitatively this meets the appropriate standard for high quality provision in the interests of sustainable development and the proper planning of the area.

Objective PM41 of the current Fingal County Development Plan seeks to encourage increased densities at appropriate locations whilst ensuring that the quality of place, residential accommodation and amenities for either existing or future residents are not compromised. The current Fingal County Development Plan does not set upper limits on densities. I do not consider the proposed density a material contravention of the current Fingal County Development Plan.

The Guidelines on Sustainable Residential Development in Urban Areas (SRDUA) states that for sites located within a public transport corridor, it is recognised that to maximise the return on this investment, it is important that land use planning underpins the efficiency of public transport services by sustainable settlement patterns, including higher densities. The guidelines state that minimum net densities of 50 dwellings per hectare, subject to appropriate design and amenity standards, should be applied within public transport corridors, ie within 500 metres walking distance of a bus stop, or within 1km of a light rail stop or a rail station.

Policy at national, regional and local level seeks to encourage higher densities in key locations. It is Government and regional policy to increase compact growth within specified areas and increase residential density. The RSES requires that all future development within the metropolitan area be planned in a manner that facilitates sustainable transport patterns and is focused on increasing modal share of active and public transport modes. The site, as per the Dublin MASP set out within the RSES, is located within the Dublin City and Suburbs area of the Metropolitan Area, which promotes consolidated growth of brownfield/infill sites, as supported by RPO 4.3. Section 28 guidance, including the Sustainable Residential Development Guidelines 2009, the Urban Development and Building Height Guidelines 2018, and the Sustainable Urban Housing Design Standards for New Apartments Guidelines 2020, provide further guidance in relation to appropriate densities.

The Guidelines on Sustainable Residential Development in Urban Areas (SRDUA) states that for sites located within a public transport corridor or planned public corridors (section 5.8), it is recognised that to maximise the return on this investment, it is important that land use planning underpins the efficiency of public transport services by sustainable settlement patterns, including higher densities. The guidelines state that minimum net densities of 50 dwellings per hectare, subject to appropriate design and amenity standards, should be applied within public transport corridors, ie within 500 metres walking distance of a bus stop, or within 1km of a light rail stop or a rail station. With regard to infill residential development, it is detailed that a balance has to be struck between the reasonable protection of the amenities and privacy of adjoining dwellings, the protection of established character and the need to provide residential infill.

The Urban Development and Building Height Guidelines (2018) state that increased building height and density will have a critical role to play in addressing the delivery of more compact growth in urban areas and should not only be facilitated but actively sought out and brought forward by our planning processes and particularly so at local authority and An Bord Pleanála levels. The guidelines caution that due regard must be given to the locational context, to the availability of public transport services and to the availability of other associated infrastructure required to underpin sustainable residential communities.

The Sustainable Urban Housing Design Standards for New Apartment Guidelines (2020) note that increased housing supply must include a dramatic increase in the provision of apartment development to support on-going population growth, a long term move towards smaller average household size, an ageing and more diverse population, with greater labour mobility, and a higher proportion of households in the rented sector. The guidelines address in detail suitable locations for increased densities by defining the types of location in cities and towns that may be suitable, with a focus on the accessibility of the site by public transport and proximity to city/town/local centres or employment locations.

The site is in my opinion a 'Central and/or Accessible Urban Location' as defined under Section 2.4 of the Apartment Guidelines 2020. This brownfield infill site is in my view well placed to accommodate high density residential development given its proximity to a high frequency urban bus service, the site is located within c. 10 minute walk of existing high frequency bus services, it is c.500m of the 3 No. bus stops serving route nos. 4, 13, 17A and 155. An application is lodged for a MetroLink station along R108 Ballymun Road, c.650m from the proposed development. The site is within walking of Northwood Business Park also provides a range of services and amenities. Gulliver's Retail Park, Clearwater shopping centre, Finglas Village and is within a short commute (walking, cycling, bus) of a range of employment options within the vicinity.

Having regard to the above I am of the view that the delivery of residential development on this prime, underutilised, serviced site, in a compact form comprising higher density units would be consistent with policies and intended outcomes of current Government policy, specifically the NPF, which looks to secure more compact and sustainable urban development with at least half of new homes within Ireland's cities to be provided within the existing urban envelope (Objective 3b). I am satisfied that the site is sequentially well placed to accommodate compact growth in this developing urban area and is appropriate within the national and local policy context, subject to an assessment of design and amenity standards, which are discussed further in detail hereunder.

10.1.4 Built to Rent

The proposed development includes 268 no. Build to Rent apartments. Section 5 of the Sustainable Urban Housing: Design Standards for New Apartments, 2020 provides guidance on Build-to-Rent (BTR). The guidelines define BTR as "purpose built residential accommodation and associated amenities built specifically for long-term rental that is managed and serviced in an institutional manner by an institutional landlord". These schemes have specific distinct characteristics which are of relevance to the planning assessment. The ownership and management of such a scheme is usually carried out by a single entity.

The public notices refer to the scheme that includes 268 no. 'Build-to-Rent' apartments and a draft deed of covenant indicates that the applicant is willing to accept a condition requiring that the BTR residential units remain in use as BTR accommodation, that no individual residential unit within the development be disposed of to any third party for a period of 15 years only from the date of grant of permission. I consider that the matter of the covenant be further dealt with by means of condition if the Board considers granting permission.

The Guidelines also specify that no individual residential units may be sold or rented separately, during that period. While submissions consider there is an over saturation of this type of tenure provide in new housing stock and that it is inappropriate location for Build to Rent, I would highlight the application site is located within the Dublin Metropolitan Area and the Dublin – Belfast Economic Corridor and the Dublin City and Suburbs settlement as identified in RSES. Dublin City and Suburbs accounts for about half of the Region's population or a quarter of the national population, as well as being the largest economic contributor in the state.

The site is accessible by bus, as well as being within walking distance of a range of services and amenities and connected to a large range of employers within a short commuting distance. I am satisfied that a Built to Rent scheme is suitable and justifiable at this location. I have considered the concerns raised in the submissions received, however I am of the opinion that the proposal will provide a viable housing solution to households where home-ownership may not be a priority and in an area where traditionally the main housing provision was traditional family type two storey dwellings with the introduction of apartments in recent years.

The proposed residential type and tenure provides a greater choice for people in the rental sector, one of the pillars of Housing for All and I am satisfied in this regard. Concerns raised in submissions in relation to the negative impact of Build to Rent developments on established communities is not substantiated and such a scheme will not necessarily attract a transient population. I note the applicant has submitted a BTR Operational Management Plan and I have no reason to believe there will be significant issues with the long-term management of the development. I consider that the proposed Build to Rent accommodation overall is acceptable at this location and is in line with the overarching national aims to increase housing stock, including in the rental sector, as set out in various policy documents, including inter alia Rebuilding Ireland – Action Plan for Housing and Homelessness (2016) and Housing for All- A New Housing Plan for Ireland (2021).

10.1.5 Unit Mix

Concerns have been raised in submissions received with regard the proposed unit mix, in particular the extent of one-bed and lack of three bedroom units, which they consider could lead to a more transient population within the area; which would not facilitate in the creation of sustainable communities and would not be suitable for the accommodation of families. Observers also raised the issue of material contravention in relation to unit mix. Elected Members have also raised concerns in this regard. The planning authority has not raised concern in this regard.

I refer the Board to section 3 of this report where I have set out in detail the proposed units mix. I note that one-bed units comprise c.46.3% and two-bed units c.53.7% of the proposed residential mix with no studio or three-bed units proposed. Objective PM38 of the current Fingal County Development Plan sets out to ensure a mix and range of house types are provided in all residential areas to meet the diverse needs of residents. I am satisfied that the issue of material contravention of the current Fingal County Development Plan in relation to unit mix does not arise.

Since the adoption of the Fingal County Development Plan 2017-2023, the Sustainable Urban Housing: Design Standards for New Apartments (2015) have been updated (December 2020 which I am using in this assessment) and subsequently in 2022. I note that the planning authority in their Chief Executive Report refer to the updated 2020 guidelines. One of the main differences between the two guidance documents relates to, inter alia, build to rent developments and associated “Specific Planning Policy Requirements” (SPPRs). The ‘Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities’ (December 2020) contains SPPRs in relation to build-to rent developments, namely SPPR7 and SPPR8. Specifically, in relation to dwelling mix requirements for build-to-rent developments, I note SPPR8 (i), which I acknowledge takes precedence over any conflicting policies and objectives of Development Plans. SPPR8 (i) of the Apartment Guidelines (2020) states that no restrictions on dwelling mix and all other requirements of these Guidelines shall apply, unless specified otherwise. It is noted that such SPPRs, which allow for flexibility in relation to build to-rent developments, were not included in the 2015 guidelines. I note that the planning authority have not raised concerns relating to unit mix. In my opinion the proposed development will provide increased diversification of housing typology in the area which has undergone significant transition in recent years and would in my opinion improve the extent to which it meets the various housing needs of the community.

The Urban Design Manual, in particular Criteria 03 and 04, ‘Inclusivity’ and ‘Variety’, are noted. This puts forward the idea that in larger developments, the overall mix should be selected to create a mixed neighbourhood that can support a variety of people through all stage of their lives. Presently, the wider area could be described as a mixed neighbourhood and I am of the opinion that the proposed development will contribute positively to that. I also fully acknowledge changing household sizes and note that the NPF states that seven out of ten households in the State consist of three people or less and this figure is expected to decline to approximately 2.5 persons per household by 2040. While I acknowledge the concerns raised in the submissions, I reiterate that as this is a build-to-rent development, the provisions of SPPR 8(i) of the Apartment Guidelines apply, which state that that no restrictions on dwelling mix shall apply.

Having regard to all of the above, I consider that the proposed unit mix is acceptable in this instance given the locational context of the site, the established nature of the area where larger properties predominate, together with national guidance in this regard. I fully acknowledge changing household sizes. As stated in the National Planning Framework, seven out of ten households in the State consist of three people or less and this figure is expected to decline to approximately 2.5 persons per household by 2040. The proposed development in terms of unit mix would add greatly to the availability of studio and one bedroom apartments in an area of the city characterised by conventional housing stock comprised of traditional houses.

I have no information before me to believe that the mix of units would lead to the creation of a transient or unsustainable community-and meets the standards of the aforementioned Sustainable Urban Housing: Design Standards for New Apartments (2020). Having regard to the foregoing I consider the proposed unit mix acceptable.

10.2 Design Strategy

10.2.1 Height

The proposed development comprises two blocks which ranges in height from Block A (8-9-10 & 11 storeys), Block B (9-10-5-9-10-9-7-10-9), a single storey creche and an office building (3 storeys). Block A addresses Northwood Crescent to the south and the area of public open space in the southwestern portion of the site with Northwood Crescent forming its western boundary. Block B addresses Northwood Road to the east and Northwood Avenue to the north. The site is L-shaped with an existing crescent shaped office building (5 storeys) outside the applicant's ownership located on the north eastern corner of this 'block' within Northwood.

Third parties and elected representatives have raised concerns in relation to suitability of the height, scale and massing of the development. It is contended that the submitted height does not respect the existing built environment. It is submitted that the proposed development breaches the height guidelines in the Fingal County Development Plan and is a material contravention of same.

Observer submissions also raise concerns with regards the impacts of the proposal on the visual amenity of the area and that it is out of character with the existing built environment. These concerns are interlinked with concerns regarding height, scale and massing of the proposal. There is a general consensus amongst third party observers that the proposal would negatively impact on the visual amenity of the area. The planning authority have raised no concerns in this regard.

Objective DMS39 of the Current Fingal County Development Plan sets out that new infill development shall respect the height and massing of existing residential units. It does not set out height parameters in general and the application site is not located within a designated Masterplan area. Existing and permitted heights in the vicinity range from 4 to 7 storeys mixed use developments. The current proposal has height ranging from 5 to 11 storeys (max.32.7m). The applicant has submitted that this is not considered a Material Contravention. I note the existing heights and the wording of objective DMS39 which clearly states that proposals shall respect the height and massing of existing residential units. In this regard the closest (residential development is Lymewood Mews (also referred to as Limewood Mews) apartment complex to the east, which addresses Northwood Road and Northwood Avenue, which has a height of 5-6 storeys and Northwood Crescent office block to the west, which addresses Northwood Avenue with heights of 5 storeys. Cara Care Nursing Home to the east, addresses Northwood Road, has a height of 5 storeys. I do not consider this difference in height to be materials given the context of the existing built environment in the vicinity of the site which includes inter alia Carrington apartment complex along Northwood Avenue (6 storeys), Lymewood apartment complex to the east of the application site (5-6 storeys) on the eastern side of Northwood Road, Cedarview housing estate to north of the site (2 storey houses) to the north of existing blocks at Swift Square and Blackwood Square permitted SHD (8 storeys). There is a current SHD application (ABP 313317) for 255 apartments in 5 no. blocks with heights of 8-9 storeys between the Sports Surgery Clinic and Swift Square to the northeast off Northwood Avenue. There is an extant permission on the site for a mixed use development (office and residential) with heights ranging from 4 to 7 storeys.

The development plan does not specify any particular height limit in this area. The development therefore does not contravene the development plan in respect of building height given that no specific height limit applies at this location and the issue of building height is not addressed in the applicant's Material Contravention Statement.

The Urban Development and Building Height Guidelines provide clear criteria to be applied when assessing applications for increased height. The Guidelines describe the need to move away from blanket height restrictions and that within appropriate locations, increased height will be acceptable even where established heights in the area are lower in comparison. The proposed development did not materially contravene the Fingal County Development Plan 2017-2023.

Having regard to the Urban Development and Building Heights Guidelines, 2018, I note that specific assessments were undertaken including CGIs and daylight/sunlight and Overshadowing analysis.

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

The development may be considered with regard to the principles and criteria set out in section 3 of the Building Height Guidelines as follows, with regard to the rationale submitted by the applicant, to the analysis provided in the CE report and to third party comments. I am satisfied that there is adequate documentation on file, including drawings, layouts, design details, Landscape and Visual Impact Assessment (LVIA), photomontages and CGIs, the applicant's Assessment of Daylight and Sunlight Assessment, to enable due consideration on the following matters and I have had regard to same. The assessment is also based on my site inspection dated 15th March 2023.

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

Does the proposal positively assist in securing National Planning Framework objectives of focusing development in key urban centres and in particular, fulfilling targets related to brownfield, infill development and in particular, effectively supporting the National Strategic Objective to deliver compact growth in our urban centres?

The development site is undeveloped zoned and serviced lands adjoining the built up area of Northwood, which is within an area designated as ME Metro Economic under the current development plan, where there is a vision for high density mixed-use development and to support the provision of an appropriate quantum of residential development within the Metro Economic corridor as per development plan. The strategic importance of the site and the potential of the development to contribute to several NPOs and RPOs is summarised above. The development is therefore considered to support the above principle.

Is the proposal in line with the requirements of the development plan in force and which plan has taken clear account of the requirements set out in Chapter 2 of these guidelines?

The development plan does not specify any height limit at this location.

Where the relevant development plan or local area plan pre-dates these guidelines, can it be demonstrated that implementation of the pre-existing policies and objectives of the relevant plan or planning scheme does not align with and support the objectives and policies of the National Planning Framework?

The development plan predates the Building Height Guidelines. However, I am satisfied that it is generally consistent with and supports the policies and objectives of the NPF. I also note the provisions of NPF NPO 13, which provides that planning standards for building height in urban areas will be based on performance criteria that seek to achieve well-designed high-quality outcomes in order to achieve targeted growth and states:

These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.

I also note NPO 35, which seeks to increase residential density in settlements through a range of measures including infill development schemes, site-based regeneration and increased building heights. The current county development plan has been superseded by the NPF in relation to these matters.

Having regard to the applicant's rationale for the proposed building height, to the planning's authority's assessment of the matter as set out in the CE Report and to my detailed analysis of the documentation on file and site inspection. Applying section 3.2 of the Building Height Guidelines I consider the following:

At the scale of relevant city/town, the proposal will make a positive contribution to place-making introducing new street frontage and utilises height to achieve the required densities. There to be sufficient variety in scale and massing to respond to the scale of adjoining developments. I consider the proposed quantum of residential development, residential density and tenure type (build to rent) acceptable in the context of the location of the site in an area that is undergoing redevelopment, is an area in transition proximate centres of employment and public transport.

At the scale of district/neighbourhood/street, The proposed development would not interfere with significant views in the locality. The site is not located within an Architectural Conservation Area and there are no protected structures onsite or within the immediate vicinity. I am satisfied that the proposal responds satisfactorily to its built environment in this instance and makes a positive contribution to the urban neighbourhood at this location. I am of the opinion that the proposal can be accommodated on this site without detriment to the visual amenities of the area given the existing built environment in the immediate vicinity. The use of material and finishes to the elevations assists in breaking down the overall mass and scale of the proposed development. CGIs of the proposed development have been submitted with the application and have assisted in my assessment of the proposal. Overall, while I consider the height appropriate for this location. The development of the site would bring into use a zoned serviced site that is underutilised at present at this prime location.

At the scale of the site/building: The proposal includes new public realm and fenestration that will passively survey the public road and pedestrian linkages to adjoining lands are indicated and would contribute to the legibility of the area. The addition of build to rent apartments will contribute to the unit mix and tenure at the location. Residential Amenities are addressed in section 10.3 and 10.4 Sunlight and daylight consideration are addressed in section 10.3.3 and 10.4.4 Flood Risk Assessment has been carried out and this is addressed in section 10.6.

Having regard to the considerations above, I consider that the proposal in principle for 5 to 11 storey buildings at this location is acceptable in terms of height. I consider the height proposed to be in keeping with national policy in this regard. I note the policies and objectives within Housing for All- A New Housing Plan for Ireland (2021) and the National Planning Framework – Ireland 2040 which fully support and reinforce the need for urban infill residential development such as that proposed on sites in close proximity to quality public transport routes and at appropriate locations. I consider this to be one such site. The NPF also signals a shift in Government policy towards securing more compact and sustainable urban development and recognises that a more compact urban form, facilitated through well designed higher density development is required. I am also cognisant of the Urban Development and Building Heights, Guidelines for Planning Authorities (2018) which sets out the requirements for considering increased building height in various locations but principally, inter alia, in urban and city centre locations and suburban and wider town locations. Overall, I am of the view that having regard local and national guidance, the context of the site in an accessible location which is undergoing significant redevelopment, the proposed height is acceptable in principle subject to further assessment pertaining to impact on the receiving environment.

I have inspected the site and surrounding area and I agree with observers that the blocks will be visible to residents in the vicinity. The closest residential properties are Lymwood apartments to the east of the site facing the application site. I am satisfied that the proposed development would not result in an overbearing or visually dominate development when viewed from Lymewood Mews and Cara Care Centre in particular, which face the site along Northwood Road. I am satisfied that the proposed development will not have a significant adverse impact on the visual amenities of sensitive receptors in the area, such as existing residential units. The proposed development would be an appropriate sustainable use of this zoned serviced underutilised site.

10.2.2 Scale & Massing:

A reoccurring theme raised in the observer submissions highlights concerns that the proposed development is overbearing and would have a significant adverse impact of the visual amenities of the area. I have inspected the site and surrounding area and I agree with observers that the blocks will be visible to residents in the vicinity.

The issues of height, scale, form, massing of the proposal are inter-related and in effect relate to the overall scale and massing of a proposal. It is the sum of all these parts that, amongst other assessments, determines the appropriateness or otherwise of the development before the Board. I am satisfied that the proposed height, scale and massing can be accommodated on this site,

In terms of visual amenity for surrounding residents, I consider that the proposal in compliance with Criteria 1 'Context' of the Urban Design Manual. I also consider that having regard to the Urban Development and Building Height Guidelines, 2018, at the scale of the site/building, the form, massing and scale of the proposed development is carefully modulated. I am of the opinion that it would not appear unduly dominant and overbearing viewed adjacent properties, in particular Lymewood apartments bounding the site to the east and would not detract from the visual amenities of the area. Having regard to the Urban Development and Building Heights Guidelines, 2018, I am of the view that the proposal responds satisfactorily to its overall natural and built environment and makes a positive contribution to the urban neighbourhood at this location.

The applicants have had regard to improving the public realm, streetscape and connectivity of the area and provide appropriate transitions in scale and massing, coupled with the setback to the site boundaries offer a degree of transition with adjoining properties which have height ranging from 5 to 8 storeys. There is no doubt any development of this site will bring a change to the character and context of the application site, but is in keeping with the overall character of developments at Northwood, an area in transition and I am of the view that this will be a positive change. Overall I consider that the proposal before me acceptable in terms of its scale and massing and constitutes an appropriate form of development at this location and positively contributes to the character and identity of the neighbourhood.

10.2.3 Design, Materials and Finishes

The proposed development comprises 2 no blocks of apartments, a creche and an office block to the north of the site. A single storey podium parking links block A and block B. The blocks are linear in form and orientated in a north-south direction, this results in units with an east west orientation with additional dual aspect units to the north and south. The blocks are stepped and staggered to provide variance along the façade facing Northwood Road (longest façade). While also breaking up the height of the overall scheme. Vehicular, cycle and pedestrian access is off the existing Northwood Road with secondary accesses for pedestrian and cyclist proposed along the western and southern boundaries that connect to the existing Northwood Crescent Road. The main landscaped open space is provided on the western portion of the site where there are three large Oak trees which will be retained. A podium garden is also proposed between the residential blocks.

The applicant is proposing a contemporary design in an area which has been the subject of extensive redevelopment in recent years. The applicant submits that uniformity is a key driver in the proposed architectural layout, this results in the creation of a highly efficient single residential block which is then mirrored and rotated across the site to form the larger stepping mass. The use of this 'block' four times across the site is argued provides for a high repetition of unit types and maximum efficiency. I am of the view that the overall design, materials and finishes reflect the existing built environment. The proposed design seeks to introduce a new element to this disused site at a prominent location on an important corner within the overall Northwood area which is welcomed, in my opinion.

An Architectural Design Statement submitted with the application sets out that the architectural approach to the facades has been driven by the need to avoid monolithic blocks through the introduction of disaggregation with varied heights and façade panes and contrasting materials. This involves the use of a limited pallet of materials including the use of warm brick tones (varying from red to buff stock brick) and textured brick. The break down is broadly as follows: red coloured brickwork (residential blocks), light coloured textured render (residential blocks/office block), light grey coloured brickwork to base of rendered blocks (residential blocks), medium grey coloured anodized aluminium/steel (windows/balconies/curtain walling), buff coloured brick (office building) and dark grey coloured composite cladding panels (creche building/residential amenity pavilion).

I have reviewed the information on file, I consider given the scale and massing of the overall development and the context of the site that the proposed materials and finishes assist in assimilating the proposed development into its surrounds. I am of the view that the applicant's attempts to break down the overall massing and scale through the use of appropriate materials and finishes assists to further soften the visual impact of the proposal which will be visible from all approaches to the site is acceptable in my opinion.

The Apartment Guidelines require the preparation of a Building Lifecycle Report regarding the long-term management and maintenance of apartments. Such a report has been supplied with the planning application.

I consider the overall design, range of materials and finishes acceptable for this setting and I consider the proposed variation in height compliments the site. Overall I am of the view that the development has been designed to be respectful of the character of the area and I have no objection to a modern intervention at this location.

10.2.4 Layout, Open Space and Play provision.

Development plan Objective ED100 is to ensure high quality urban design proposals within ME zoned lands, incorporating exemplary public spaces, contemporary architecture and sustainable places within a green landscape setting.

The proposed development comprises 2 blocks, the overall orientation and arrangement has been set out in detail above. I am satisfied that the overall layout provides an appropriate form of development and amenity for future residents.

The proposed development is broadly in compliance with DMURS, the layout provides connectivity to adjoining lands and permeability through the site. Where there are incidents of non-compliance this matter can be addressed by condition, for example paths over access points into the site.

Objective PM52 of the current Development Plan includes an overall standard for public open space provision at a minimum 2.5 hectares per 1,000 population which in general shall be provided at a ratio of 75% Class 1 (Local, Urban Neighbourhood and Regional Parks) and 25% Class 2 (Pocket and Small Parks) open space.

The proposed development includes for c.2380 sqm of public open space. This is in excess of 10% of the total site area (1,530 sqm).

The development provides a streetscape presence along Northwood Avenue and Northwood Road. I consider this acceptable. I note public open space is proposed as part of the current proposal before the Board. The planning authority has raised concern that the proposed open space does not comply with the Development Plan requirements, having regard to the location of the site proximate to public parks and amenity spaces I consider this acceptable.

The applicant has submitted that the site area based open space calculation (minimum 10%) is more appropriate in this instance, and allowed for under Objective PM53, as opposed to the population-based calculation, due to the proximity of Santry Park (an Urban Neighbourhood Parks as per Table 12.5 of the Development Plan) and other nearby open spaces amenities and the need to provide a sustainable level of residential density within the site. Furthermore it is submitted that the development includes a large proposed public open space area around the existing high value Oak trees, which are proposed to be retained and protected as part of the scheme. It is therefore considered, in the applicant's opinion, that the provision of 10% open space is appropriate within the context of the significant existing public open space availability within the local area

The report from the Landscape and Green Infrastructure noted the shortfall in public open space has recommended that a development contribution in lieu of the shortfall open space provision be required by condition in the event permission is granted. I note that the Development Plan under DMS57A and DMS57B allows discretion to facilitate shortfalls in the provision of public open space to be met via financial contributions in lieu, which the planning authority has requested via the attachment of a suitably worded condition in the event of a permission for the development. Given the site context in close proximity to the Santry Park I am satisfied that a contribution in lieu of the shortfall in open space would be necessary and reasonable as a condition in the event of a permission and the proposed open space provision would not contravene the policies of the Development Plan.

The issue of public open space has been addressed in the applicant's Material Contravention Statement. The Development Plan under DMS57A and DMS57B allows discretion to facilitate shortfalls in the provision of public open space to be met via financial contributions in lieu, which the planning authority has requested via the attachment of a suitably worded condition. I do not consider that the shortfall in open space provision is not a material contravention of the current Fingal County Development Plan.

Objective DMS75 and DMS76 of the current Development Plan also states the following in relation to the provision of public open space:

“Provide appropriately scaled children’s playground facilities within residential development. Playground facilities shall be provided at a rate of 4 sq.m per residential unit. All residential schemes in excess of 50 units shall incorporate playground facilities clearly delineated on the planning application drawings and demarcated and built, where feasible and appropriate, in advance of the sale of any units”.

“Ensure that in the instance of an equipped playground being included as part of a specific facility, it shall occupy an area of no less than 0.02 hectares. A minimum of one piece of play equipment shall be provided for every 50 sqm of playground”.

There are 268 No. units proposed, therefore playground facilities measuring 1,072 sqm is required. The development includes a large public playground (400 sqm) as part of public open space along the western boundary. In the courtyard garden, residents have access to further playground facilities (200 sqm). The total proposed play area provision of c.600 sq.m does not meet the quantitative requirement stated in Objective PM63 and there is a shortfall of c. 472sq.m. This shortfall with regard to development plan standards is addressed in the Material Contravention Statement. The CE Report recommends a financial contribution in lieu of the playground provision, to be used towards the improvement of play facilities in Santry Demesne. I consider that this is a satisfactory solution, given the limited size of the site and consequent limited scope for provision of additional play facilities, and a section 48 development contribution is recommended in the event that permission is granted. I consider the shortfall to be material and I address the issue of material contravention in section 10.13. The smaller equipped playground complies with the minimum of 0.02ha.

I address provision and quality of communal and private open space in section 10.3 below.

Having regard to the above, I consider that the development will make a substantial contribution to the public realm of the area in accordance with relevant development plan objectives set out in the current Plan.

10.2.5 Non-Residential Uses

The development includes a c. 2868sq.m office block, this is 3 storeys in height with the upper levels designed to provide for open plan office use in a variety of configurations. The proposed building addresses the northwest corner of the site, Northwood Avenue and the adjoining Crescent Office building. There is a designated office carpark proposed to the south of the block with bicycle parking also proposed to serve the office block. Overall the proposed design, materials, finishes and location of the office block and ancillary car parking is acceptable in my opinion.

A c.295 sq.m creche is also proposed within the scheme. This is a shallow linear single storey building located at the southern end of the central courtyard/garden which also serves to screen the exposed southern elevation of the podium carpark which is c.500m lower than the creche building. The creche provides for 3 classrooms and ancillary facilities. Overall the design of the creche and the use of materials and finishes seeks to give a 'pop' of colour along Northwood Crescent through the use of cladding panels in bolding but harmonious colours which is acceptable, in my opinion. A designated set down area and parking is provided. Overall the proposed design, materials, finishes and location of the office block and ancillary car and bicycle parking is acceptable in my opinion. The wider issue of social infrastructure and capacities is addressed in section 10.10 and 10.11 of this report.

10.3 Residential Standards for future occupier

10.3.1 Standard of Accommodation

The development is for BTR apartments as such the Sustainable Housing: Design Standards for New Apartments 2020 has a bearing on the design and minimum floor areas associated with the apartments. In this context the Guidelines set out Special Planning Policy Requirements (SPPRs) that must be complied with where relevant. SPPR 7 and SPPR8 refer specifically to BTR developments.

SPPR 4 states in relation to the minimum number of dual aspect apartments that may be provided in any single apartment scheme, the following shall apply. The applicant states 57.5% of the proposed apartments are dual aspect. I have examined the apartment layouts and concur with this analysis and consider this acceptable.

SPPR 5 requires a minimum of 2.7m ground level apartment floor to ceiling heights. This requirement is complied with.

SPPR 6 specifies a maximum of 12 apartments per floor per core. All blocks are served by stair and lift access and the requirements of SPPR 6 are met in relation to the number of units served per floor per core.

SPPR 7 sets out that BTR must also be accompanied by detailed proposals for supporting communal and recreational amenities to be provided as part of the BTR development. A total of c. 800sq.m amenity and social spaces are proposed, these include concierge, the main reception and marketing areas, parcel storage, bookable meeting and co-working spaces, residents' lounges and café, cooking and dining facilities and a gym/ multi-purpose space and places for informal gatherings. The principal area which includes a concierge desk and reception area is arranged over ground and first floor in the southwest corner of the site within Block A adjacent to the public open space and the podium level courtyard garden. A gym and multi-purpose pavilion is located on the podium and a roof-top lounge opening on a terrace garden. These amenities are for residents use only. A breakdown of the individual floor areas is provided in section 3 of this report. SPPR7 requirement is complied with.

A BTR Operational Management Plan is submitted with the application. This report that the development will be run by a Management Company to manage the estate and common areas of the development and sets out a structure to ensure the scheme is maintained to a high level. I consider this acceptable.

An amenity terrace at the 8th floor level and communal amenity space at podium level are proposed. I am satisfied that there is a clear definition between communal and private spaces is provided by the incorporation of landscaping to define the various spaces. Access to the undercroft car park is via a shared access off Northwood Road In order to access parking I note that cyclist will use the shared access lane/surface to access the allocated parking and there is potential conflict between cyclists and pedestrians but this can be managed in an appropriate manner. I address the issue of daylight/sunlight for amenity spaces in section 10.3.3 of this report.

Appendix 1 of the Guidelines set out minimum storage requirements, minimum aggregate floor areas for living / dining / kitchen rooms, minimum widths for living / dining rooms, minimum bedroom floor areas / widths and minimum aggregate bedroom floor areas. The submitted schedule of areas indicates that all apartments meet or exceed the minimum storage area, floor area and aggregate floor area and width standards.

Private amenity spaces are provided in the form of balconies. The submitted schedule of floor areas indicates that private open spaces meet or exceeds the quantitative standards provided in Appendix I of the apartment guidelines.

A Building Lifecycle Report, as required by the guidelines, has been submitted.

Car and bicycle parking provision is considered acceptable (refer to 10.5).

Objective DMS25 of the Fingal County Development Plan 2017 – 2023 requires that the majority of all apartments in a proposed scheme of 100 or more apartments must exceed the minimum floor area standard for any combination of the relevant 1, 2 or 3 bedroom unit types, by a minimum of 10%.

The minimum gross floor areas for apartments / duplexes, as outlined in the Development Plan are: 3 bed 90sq.m, 2 bed 73sq.m and 1 bed 45sq.m

SPPR 8 provides distinct planning criteria applicable to BTR development and in this regard SPPR 8 (iv) removes the requirement that majority of all apartments in a proposed BTR scheme should exceed the minimum floor area standards by a minimum of 10%.

In order to comply with the above objective DMS25 of the Fingal County Development Plan, a minimum of 135 No. units in the proposed scheme should exceed minimum floor areas by 10%. The current proposal has 44 (16.4%) units across the scheme exceeding the minimum floor areas by 10%. This is below the standard outlined in Objective DMS25 of the Development Plan.

SPPR8 of the Sustainable Urban House: Design Standards for New Apartments(2020) specifies that “the requirement that the majority of all apartments in a proposed scheme exceed the minimum floor area standards by a minimum of 10% shall not apply to BTR schemes”. The proposed scheme has been designed to comply with the Apartment Guidelines and therefore falls below the minimum thresholds for minimum floor area standards as outlined in the Fingal Development Plan thereby potentially contravening the development plan which the applicant has addressed in the Material Contravention Statement.

On balance and having regard to the foregoing I am of the view that the proposed development would provide an acceptable level of residential amenity for future occupants. I consider that the overall quality and quantity of the residential support facilities and residents services and amenities proposed and the quality and usability of the communal open space proposed acceptable and results in an acceptable standard of accommodation for future occupiers. The proposed development complies with the Section 28 Apartment Guidelines and in accordance with the proper planning and sustainable development of the area.

10.3.2 Overlooking

I am of the view that for the most part the proposed layout provides for adequate separation distances. However I do recognise that there are pinch points where separation distances are not optimal. I do however consider that given the limited instances where this arises that this matter can be addressed by appropriate screening and mitigation measures, such as vertical louvre/angles fins etc to balconies and windows, which are commonly used in urban areas to address potential overlooking while also protecting the amenity value of the balconies and rooms they serve. This matter could be addressed by condition if the Board considers granting permission.

10.3.3 Access to daylight/sunlight/overshadowing

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, 2022 also state that planning authorities should have regard to quantitative performance approaches to daylight provision outlined in guides like A New European Standard for Daylighting in Buildings IS EN17037:2018, UK National Annex BS EN17037:2019 and the associated BRE Guide 209 2022 Edition (June 2022), or any relevant future standards or guidance specific to the Irish context, when undertaken by development proposers which offer the capability to satisfy minimum standards of daylight provision. In addition Objective DMS30 of the development plan aims to ensure that all new residential units comply with the recommendations of Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice (B.R.209, 2011) and B.S. 8206 Lighting for Buildings, Part 2 2008: Code of Practice for Daylighting or other updated relevant documents.

I have considered the reports submitted by the applicant and have had regard to the documents outlined above. The Daylight and Sunlight Assessment Report (dated March 2022) submitted with the application considers inter alia potential daylight provision within the proposed scheme and overshadowing within the scheme.

The applicant's assessment of daylight and overshadowing relies on the standards in the BRE Report Site Layout Planning for Daylight and Sunlight and BS 8206-2:2008: Lighting for buildings. The report notes that BS 8206-2:2008: Lighting for buildings - Part 2: Code of practice for daylighting was replaced with BS EN 17037:2018 Daylight in Buildings.

This assessment is read in conjunction with the BS 2008 Code of Practice for Daylighting and the BRE 209 site layout planning for daylight and sunlight (2011). While I note and acknowledge the publication of the updated British Standard (BS EN 17037:2018 'Daylight in buildings'), which replaced the 2008 BS in May 2019 (in the UK), I am satisfied that this document/updated guidance does not have a material bearing on the outcome of the assessment and that the relevant guidance documents remain those referenced in the Urban Development & Building Heights Guidelines and the Apartment Guidelines. I am satisfied that the target ADF for the new residential units are acceptable and general compliance with these targets/standards would ensure adequate residential amenity for future residents.

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 BRE 2009 guidance, with reference to BS8206 – Part 2, sets out minimum values for Average Daylight Factor (ADF) that should be achieved, these are 2% for kitchens, 1.5% for living rooms and 1% for bedrooms. Section 2.1.14 of the BRE Guidance notes that non-daylight internal kitchens should be avoided wherever possible, especially if the kitchen is used as a dining area too. If the layout means that a small internal galley type kitchen is inevitable, it should be directly linked to a well 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.

The applicant's assessment includes an analysis of the proposed apartments with regard to amenity (daylight) available to future residents within the proposed scheme. The study assessed all habitable spaces/rooms across the blocks (688 no. habitable rooms). The study concluded that 100% of the rooms studied achieved or exceeded the requisite ADF of 1% for bedrooms and 2% for KLD respectively.

I have reviewed the submitted analysis and I am of the opinion that the proposed development meets the targets set out in the BRE guidance in all cases and compensatory measures are not required. The proposed development will provide an appropriate standard of residential amenity regarding access to daylight.

The planning authority raised no concerns in relation to ADF values for the proposed development.

Having regard to the forgoing and that the analysis considered points which relates to habitable rooms across the proposed development these included bedrooms Living/kitchen/dining (LKD) for units across the blocks. I am satisfied the overall level of residential amenity is acceptable, having regard to internal daylight provision.

In addition to daylight within the units, the proposed development is also required to meet minimum levels of sunlight within amenity spaces. 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.

To this end, an analysis of the sunlight exposure levels for the amenity areas in the proposed scheme was carried out and submitted. The analysis indicated that in total four spaces and creche area had been assessed of which all meet the criteria as set out in the BRE Guidelines.

Having regard to daylight and sunlight provision and to the overall levels of compliance with BRE targets it is my opinion that the proposed scheme would be well light and would provide a high level of amenity for future occupiers. It is noted that no concerns were raised by the planning authority or third parties regarding overshadowing within the proposed scheme.

10.3.4 Wind/Microclimate

The applicant carried out wind and microclimate modelling for the proposed development.

Computation Fluid Dynamics (CFD) was used to identify contentious areas of high-velocity airflow during the design process. Local historical wind data was examined and inputted into the CFD simulation process. The study concluded that as it was established that Dublin experiences an average wind velocity of 5.1m/s with gusts predominantly approaching from the southwest. 8m/s prolonged gusts were considered throughout the design process, despite non-prevailing wind velocities rarely reaching 8m/s. Metrics of seated comfort established by T.V. Lawson, the American Society of Civil Engineers (ASCE), and the European Action C14 (Impact of Wind and Storm on City Life and Built Environment) were used to interrogate this design; it is determined here, that for all but the non-prevailing north-westerly wind approaching at 5m/s, no discomfort is experienced. Once operational, further landscaping features can be included at podium level to further ameliorate any residual draughts. Under no circumstances analysed were podium conditions found unsafe due to wind. Therefore, communal podium areas will not experience prolonged high velocity wind in normal Dublin weather conditions

I have examined the information submitted and I consider the findings robust and acceptable. The proposed development would not generate conditions that would cause critical conditions for vulnerable users of the areas.

10.4 Potential Impact on adjoining properties/land

10.4.1 Context

Observers and Elected Representatives raised concerns in relation to the impact on surrounding residential amenity. Potential impacts on residential amenity relate to overbearance, overlooking and overshadowing, nuisance arising during construction/operational phases and potential devaluation of adjoining properties. Issues or potential impacts as a result of traffic or physical infrastructure are dealt with under separate specific headings dealing with these issues. This section considers overbearance, overlooking and overshadowing/access to daylight/sunlight, impacts arising from construction and operational phases and potential devaluation of adjoining properties.

The site is bounded predominantly by office developments with the closest residential properties (apartments located to the east on the eastern side of Northwood Road, separated from the site by the road, footpaths and a cycle lane along the site boundary.

Concerns have been raised, inter alia, in relation to overlooking, overshadowing, loss of light, enjoyment of property and impacts on privacy. I have examined all the documentation before me and it is acknowledged that the proposal will result in a change in outlook for some of the local residents, as the site changes from an undeveloped piece of land to a site accommodating development of the nature and scale proposed. However, given the location and context of the site, I do not consider this change to be a negative. This is an undeveloped piece of serviceable land, where development of the nature proposed is permitted in principle and there is an extant permission on the site for a mixed use development of 4 to 7 storeys. As has been previously stated, the development site is located in close proximity to public transport links and where pedestrian and cycle connectivity is acceptable with proposal to enhance these. The proposal will offer a benefit to the wider community by virtue of its public open space provision and improved connectivity through to adjoining lands. The redevelopment of the lands will improve the streetscape at this location and provide for a strong urban edge which is welcomed as the site is one of the few remaining undeveloped plots at this location left to be built out.

The Chief Executive report has not raised concerns in relation to potential adverse impacts on the residential amenities of existing residential properties in the vicinity.

I am satisfied that the proposed development will not have a detrimental impact on properties (apartments) to the east in terms of overlooking. The closest sensitive receptors are the residential properties located to the east (Lymewood Mews/Limewood Mews).

10.4.2 Overbearance

Submissions which are predominantly from local residents raised that the proposed development would be overbearing and have a detrimental impact on the visual amenities of local residents.

The planning authority did not raise concerns regarding the overbearing impact of the proposed development on adjoining residential amenities.

The block ranges in height from 5 to 11 storeys. Contiguous elevations submitted illustrate the transition in building height across the site.

A key consideration is whether the height, scale and mass of development and the proximity to neighbouring properties is such that it would be visually overbearing where visible from the adjacent apartments, which are separated from the site by a road/paths/cycle lane. I acknowledge that any development (regardless of scale and height) will have an visual impact on adjoining development given the vacant nature of the application site. I am of the view, given the orientation of these apartment blocks and the relationship with the application site and the scale and massing proposed that the proposed development would not result in an overbearing and visually dominate development when viewed from these properties in particular. The closest other residential development are set at a sufficient distance from the proposed development that I am satisfied that this matter does not arise to an extent that would have an overbearing impact. The proposed development, given the nature of the receiving environment does not result in an overbearing or incongruous development when viewed from all approaches to the site.

While I accept that a degree of visual change should be expected having regard to the constantly evolving and restructuring urban landscape and the development of contemporary development of this nature would not be unexpected in this area owing to its zoning. I also acknowledge that any development on the application site in line with its zoning objectives would be visible from adjoining properties. The crux of the matter is the level of impact on the adjoining residential properties in terms of visual overbearance and whether this would detract from their residential amenities. In the current context there is no doubt that the proposed development would be visible from balconies and internal areas of the adjoining apartments to the east, south and north along with the outlook of residential properties (apartments/houses) in the wider vicinity, in particular within Northwood and would change the outlook from these properties. I have inspected the site and its surrounds and having regard to the proposed design, scale and massing which I address in section 10.2. I am satisfied that the p[roposed development is appropriate for this location and does not result in undie overbearance when viewed from adjoining properties, in my opinion.

10.4.3 Overlooking

A concern raised by observers residing in apartments adjoining the application site is that proposed apartments will result in overlooking of apartments and private amenity spaces.

In my opinion, the blocks are sufficiently set back from any adjoining residential properties (apartments) and are separated for the most part from same by roads/paths/cycle paths (with setbacks ranging from c.39 to 40.8m) that I do not consider overlooking of the internal spaces (rooms) of adjoining properties arises. I am also of the view that overlooking of private amenity spaces is not material. Furthermore while a degree of overlooking is to be expected in urban areas I do not consider that that the proposed development before the Board is one such scenario. I am of the view that the proposed development will not have a detrimental impact on the residential amenities of the closest residential properties arising from overlooking given the adequate setbacks provided and the relationship between these properties. I do not foresee undue impacts arising with regard to overlooking.

10.4.4 Access to daylight/sunlight/overshadowing

10.4.4.1 Context

In considering daylight and sunlight impacts, the Apartment Guidelines (2020) state that planning authorities 'should have regard to quantitative performance approaches outlined in guides like the BRE guide Site Layout Planning for Daylight and Sunlight (2nd edition) or BS 8206-2: 2008 – Lighting for Buildings – Part 2: Code of Practice for Daylighting' (Section 6.6 refers). The Building Height Guidelines (2018) state under Section 3.2 Development Management Criteria, that at the scale of the site/building, 'appropriate and reasonable regard should be taken of quantitative performance approaches to daylight provision outlined in guides like the Building Research Establishment's Site Layout Planning for Daylight and Sunlight (2nd edition) or BS 8206-2: 2008 – Lighting for Buildings – Part 2: Code of Practice for Daylighting'. I note the latter document British Standard (BS) 8206-2:2008 has since the publication of the guidelines been replaced by BS EN 17031:2018 'Daylight in Buildings', however, I am satisfied that it does not have a material bearing on the outcome of the assessment and that the relevant guidance documents remain those referenced in the Building Height Guidelines and the Apartment Guidelines.

The Sustainable Urban Housing Design Standards for New Apartments Guidelines, 2022 state that planning authorities should have regard to quantitative performance approaches to daylight provision outlined in guides like A New European Standard for Daylighting in Buildings IS EN17037:2018, UK National Annex BS EN17037:2019 and the associated BRE Guide 209 2022 Edition (June 2022), or any relevant future standards or guidance specific to the Irish context, when undertaken by development proposers which offer the capability to satisfy minimum standards of daylight provision.

Both the Building Heights and Apartment guidelines indicate that where an applicant / proposal cannot fully meet all of 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, and thereafter the planning authorities / An Bord Pleanála should apply their discretion, having regard to local factors including site specific 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. This is provided for within the BRE guidance document itself.

I have had appropriate and reasonable regard to these documents (and associated updates) in the assessment of this application. I note that the standards described in the BRE guidelines are discretionary and not mandatory policy/criteria, and the BRE guidelines state 'Although it gives numerical guidelines, these should be interpreted flexibly since natural lighting is only one of many factors in site layout design'.

The Building Height Guidelines also seeks compliance with the requirements of the BRE standards and associated British Standard (note that BS 8206-2:2008 is withdrawn and superseded by BS EN 17037:2018), and that where compliance with requirements is not met that this would be clearly articulated and justified. 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.

I have considered the reports submitted by the applicant and have had regard to BRE 209 – Site Layout Planning for Daylight and Sunlight – A guide to good practice (2011) and BS 8206-2:2008 (British Standard Light for Buildings - Code of practice for daylighting). While I note and acknowledge the publication of the updated British Standard (BS EN 17037:2018 'Daylight in Buildings'), which replaced the 2008 BS in May 2019 (in the UK) I am satisfied that this document / updated guidance does not have a material bearing on the outcome of the assessment and that the relevant guidance documents remain those referred to in the Urban Development and Building Heights Guidelines and the Sustainable Urban Housing Design Standards for New Apartments Guidelines, 2020.

The bulk of the observer submissions have been from residents of Cedarview located to the north of Swift Square and existing buildings at a distance of c.176m from the application site in which the loss of sunlight and overshadowing was a common theme. Concerns regarding overshadowing of amenity space in Lymewood Mews to the east was raised by residents of Lymewood Mews.

The planning authority did not raised concerns regarding loss of daylight or overshadowing in relation to adjoining properties.

10.4.4.2 Daylight

In designing a new development, it is important to safeguard the daylight to nearby buildings. BRE guidance given is intended for rooms in adjoining dwellings where daylight is required, including living rooms, kitchens and bedrooms. Tests that assist in assessing this potential impact, which follow one after the other if the one before is not met, are as noted in the BRE Guidelines:

- i. Is the separation Distance greater than three times the height of the new building above the centre of the main window (being measured); (ie. if 'no' test 2 required)
- ii. Does the new building subtend an angle greater than 25° to the horizontal measured from the centre of the lowest window to a main living room (ie. if 'yes' test 3 required)
- iii. Is the Vertical Sky Component (VSC) $<27\%$ for any main window? (ie. if 'yes' test 4 required)
- iv. Is the VSC less than 0.8 the value of before ? (ie. if 'yes' test 5 required)
- v. In room, is area of working plan which can see the sky less than 0.8 the value of before ? (ie. if 'yes' daylighting is likely to be significantly affected)

The above noted tests/checklist are outlined in Figure 20 of the BRE Guidelines, and it should be noted that they are to be used as a general guide. The document states that all figures/targets are intended to aid designers in achieving maximum sunlight/daylight for future residents and to mitigate the worst of the potential impacts for existing residents. It is noted that there is likely to be instances where judgement and balance of considerations apply. Where the assessment has not provided an assessment of all sensitive receptors, I am satisfied that there is adequate information available on the file to enable me to carry out a robust assessment. To this end, I have used the Guidance documents referred to in the Ministerial Guidelines to assist me in identifying where potential issues/impacts may arise and to consider whether such potential impacts are reasonable, having regard to the need to provide new homes within zoned, serviced and accessible sites, as well as ensuring that the potential impact on existing residents is not significantly adverse and is mitigated in so far as is reasonable and practical.

The site is a brownfield site, with a portion presently used as a temporary carpark. The applicant's assessment has assessed potential impacts VSC values for Northwood Court (blocks 1-5) (offices) to the south, Cara Care Centre (nursing home) to the east, the Crescent Building (offices) to the west, Lymewood Mews (apartments) to the east and Northwood House (offices) to the south. A total of 229 window across the surrounding properties were assessed in the Daylight and Sunlight Assessment submitted with the application. The assessment refers to 'imperceptible', 'not significant', 'slight', 'moderate' or significant' effects. The rationale for which is set out on page 7 of the submitted assessment. I also not that the submitted assessment examined windows located under projecting balconies on the Lymewood Mews building and provided a rationale for results obtained on the ground of protruding balconies and winged walls resulting in exaggerated results.

Of the 229 windows the assessment noted that 152 would be classed as 'imperceptible', 36 as 'not significant', 28 as 'slight', 10 as 'moderate' and 3 as having significant' effects.

The most sensitive receptor are, in my opinion Lymewood Mews and Cara Care Centre. I have outlined a summary of the VSC values as follows:

Lymewood Mews:

I also not that the submitted assessment examined windows located under projecting balconies on the Lymewood Mews building (5 storeys) and provided a rationale for results obtained on the ground of protruding balconies and winged walls resulting in exaggerated results. The design of the apartment block includes seep and narrow recess and projecting balconies overhead along with, in some incidents, flanking walls which act as supports/dividers for cantilevered balconies.

163 windows were assessed, of which 86 (52.7%) are not BRE Complaint. I note that of the non-compliant windows assessed, It is submitted that 21 are over 90% compliant, 21 are 80-89% compliant and 7 70-79% compliant. I also note that the baseline level for these windows was below 27%.

Of the 163 windows assessed, 9 have VSC values less than 27% but within 0.8 times its baseline value. 5 points (80b, 81a, 82a, 83a and 83b) do not comply with BER Guidelines. I refer the Board to section 8.1.4 of the applicants assessment which sets out the results for all windows. Below is a sample of points on the ground floor (worse case scenario) and fourth floor:

Window No.	Baseline VSC	Proposed VSC	Ratio of proposed to baseline
Oa2	24.61	19.43	0.79
Od	35.44	26.48	0.75
Oe	30.19	22.54	0.75
Of	24.03	13.58	0.57
Og	29.74	19.10	0.64
Oh	29.88	20.41	0.68
Oi1	23.54	12.17	0.52
Oi2	9.47	2.42	0.26
Oi	16.51	7.30	0.44
Oj1	6.00	0.07	0.01
Oj2	19.63	6.12	0.31
Oj	12.82	3.10	0.24
Ok	28.06	14.96	0.53
Ol	30.28	17.36	0.57
Om	37.16	21.90	0.59
On	37.38	21.66	0.58
Oo1	9.87	4.89	0.48
Oo2	17.75	13.32	0.75
Oo	13.81	9.01	0.65
Ot1	12.13	9.37	0.77
4d	27.48	21.98	0.80
4e	19.77	14.95	0.76
4f	26.33	19.64	0.75
4g	23.18	16.36	0.71
4h	21.06	14.37	0.68
4i1	26.27	18.48	0.70
4i2	11.77	6.19	0.53
4i	19.02	12.34	0.65
4j1	24.10	17.45	0.72
4j	31.22	23.62	0.76
4k	35.02	26.60	0.76
4l	34.39	26.54	0.77

Given the context of the site I consider the shortfall acceptable.

I am satisfied that adequate regard has been had to the potential impact on these properties when balanced against the need for housing on zoned and serviced lands and that the design and layout of the proposed scheme is of a good architectural and urban design standard respecting the established pattern of development in the area. Furthermore, the enhancement of the street scape and sustainable use of this underutilised site which is the last remaining undeveloped block in this section of Northwood where the overall layout of the proposed development has had regard to and to an extent dictated by the established pattern of development in the immediate vicinity.

Cara Care Centre:

The Cara Care Centre is a 4 storey building. 36 windows were assessed. Of which 8 are not BRE complaint but are over 90% compliant.

The Annual Probable Sunlight Hours (APSH) for 65 windows was also assessed . The analysis indicates that all windows assessed met the recommended criterial for annual and winter APSH. It is considered that the existing rooms would continue to be well lit.

Daylight Conclusion:

The assessment submitted with the application concluded that while some impact is noted to the available daylight and sunlight in adjacent properties, this is consistent with development on a largely vacant site, in an urban environment.

I acknowledge the difference in the VSC values from the pre and post development assessment on the existing apartments and Care Centre to the east. However in this instance I am of the view that consideration should be given to the fact that the comparison being made is between an existing, vacant plot site and the proposed development, which will inevitably have some form of an impact. Flexibility regarding BRE standards should be applied to balance the objective of achieving sustainable urban development with any potential impacts. I am satisfied that adequate regard has been had to the potential impact on adjoining properties, when balanced against the need for housing on zoned and serviced lands and that the design and layout of the proposed scheme is of a good architectural and urban design standard respecting the established pattern of development in the area

Based on the submitted results, my site inspection and a review of the BRE requirements I note that there will be an impact on level of daylight to apartments on the western side of Lymewood Mews. I acknowledge this impact and in the light of the context of the site, a serviced urban site which is the last remaining undeveloped block on this section of Northwood. The relationship of the proposed apartment block and Lymewood Mews which in effect face each other in a layout which resemble the existing pattern of development and layout of the area. To leave this site undeveloped would be an ineffective use of zoned serviced site in close proximity to public transport and centres of employment. The proposal results in a coherent streetscape and enhances the public realm along Northwood Road, Northwood Crescent and Northwood Avenue. Having regard to the above there is planning gain in the development of the application site and it forms, in my opinion, a sustainable development which completes the development of this block at Northwood in a comprehensive manner.

10.4.4.3 Overshadowing:

Section 3.3 of the BRE recommends that at least half of an amenity area should receive at least 2 hours of sunlight on 21st March. The assessment submitted with the application includes a shadow study (baseline and proposed). No analysis of the Shadow study is included with the assessment and potential impacts on amenity areas associated with adjoining developments. Observers raised concerns that the proposed development would overshadow the communal amenity space serving Lymewood Mews.

The BRE guidance recommends that at least 50% of the amenity areas should receive a minimum of two hours sunlight on 21st March (spring equinox). Shadow Diagrams for 21st March are include in the assessment.

The most vulnerable receptors are balconies along the western façade of Lymewood Mews facing the application site and windows in the western elevation of the Cara Care Centre. I note that the planning authority have not raised concerns regarding the extent of overshadowing of adjoining properties and their amenity areas. I acknowledge the absence of a full assessment however I have inspected the site and I note that there will be some level of overshadowing of amenity spaces in Lymewood, I do not however consider that this will be to such an extent to warrant a refusal of permission on this basis.

10.4.5 Potential Impacts during Construction Phase/Operational Phase.

10.4.5.1 Construction Phase:

Observers have raised concerns that the amenities of local residents would be impacted by noise, dust, vibrations, traffic and potential structural damage during the construction phase of the proposed development which will be exacerbated by the removal of trees which I address in section 10.7.

A Dust management Plan (DMP) is submitted with the application deals with the management of air quality, emissions and or pollutants, Includes controls measures and mitigation.

A Construction and Demolition Management Plan (C&DWMP) submitted with the application deals with the management of waste produced by the site during the construction phase and its disposal.

A Construction Environmental Management Plan (CEMP) submitted with the application deals with matters of construction programme and phasing, excavations, site logistics, construction traffic & site access along with safety, health and environmental considerations during construction works. And addresses how it is proposed to manage impacts arising at the construction phase to ensure the construction is undertaken in a controlled and appropriately engineered manner to minimise intrusion. The CEMP addresses construction traffic and management of same. Includes phasing for works, methodologies, and mitigation measures and address working hours, site security, dust, noise, visual impact and traffic, etc .

I have examined the DMP, CEMP and the RWMP and I note that the impacts associated with the construction works and construction traffic would be temporary and of a limited duration.

Inland Fisheries Ireland stated in their submission that any dewatering of ground water during the excavation works must be treated by infiltration over land or into an attenuation area before being discharged off site. A discharge license may be required from the local authority. Good housekeeping measures are integral to achieving prevention of excessive turbid run-off to surface water systems. As such IFI request that temporary surface water drainage measures should be put in place before construction begins in order to protect the local watercourses.

The short-term storage and removal / disposal of excavated material must be considered and planned such that risk of pollution from these activities is minimised. Drainage from the topsoil storage area may need to be directed to a settlement area for treatment. A common issue encountered on large construction sites is the excessive removal of top soil from the site resulting in the generation of volumes of silted water after wet weather that cannot be sufficiently treated before discharge to watercourses. If the Board was of a mind to grant permission, I am of the view that this matter can be address through the use of appropriate conditions if deemed necessary and where applicable appropriate licences.

10.4.5.2 Operational Phase:

With regard to potential noise from the use of communal amenity areas and roof terrace and whether this would have a negative impact on their quality of life for adjoining residents. A level of noise is to be expected in urban areas. I note that planning authority did not raise this as a concern. The applicant has submitted a BTR Operational Plan with the application. This states that the development will be run by a Management Company to manage the estate and common areas of the development and sets out a structure to ensure the scheme in maintained to a high level. This is acceptable, in my opinion.

Having regard to the foregoing and subject to conditions, should the Board consider a grant of planning permission, I am satisfied that impacts at operational stage can be controlled.

10.5 Traffic & Transportation

10.5.1 Access and Traffic

Observers have raised concerns relating to overspill parking on adjoining roads and residential estates, inadequate resident and visitor car parking provision on site, lack of safe pedestrian /cycle crossing to closest bus stops near the site, the development will compound a lack of capacity in public transport near the site during peak hours which would add to the existing congestion and traffic flow issues along the Ballymun Road.

The applicant has submitted a Traffic and Transport Assessment (TTA) , a DMURS Statement, RSA, Transportation Analysis, Parking Rational and Mobility management Plan

FCC Transportation Planning Division have raised no objections subject to appropriate conditions.

The site is adjacent to the Ballymun M50 interchange and nearby to the east of the R108 Ballymun Road. It is directly accessed via Northwood Avenue. There is a footpath with cycle path and a pedestrian crossing at Northwood Avenue in front of the site. There is a footpath and cycle path along the site boundary with Northwood Road and pedestrian crossings.

It is proposed to access the site via a new access off Northwood Road where a priority junction will be created, this leads on to Northwood Avenue and the R108 (Ballymun Road). This access will serve the undercroft car park. There is an existing cycle lane along the site frontage with the proposed access a shared vehicular/cyclist/pedestrian access. Two main pedestrian access points are proposed at the southern corners of the development leading on to Northwood Crescent and one pedestrian access point on the west along Northwood Crescent. I note that a footpath crosses over the vehicular access off Northwood Road, this is not acceptable and not in compliance with DMURS and as such should be omitted by condition of the Board is of a mind to grant permission.

There are several Dublin Bus routes in operation in the vicinity at the Swords Road, Ballymun Road and Santry Avenue, as detailed in the submitted Traffic and Transport Assessment (TTA).-The nearest bus stops are c 500m from the site at Ballymun Road. The TTA provides details of the frequency and capacity of existing bus routes in the area. A common thread raised by observers relates inadequate public transport infrastructure, I am satisfied on this basis that the TTA demonstrates capacity for the development in existing public transport services.

A DMURS Statement of Consistency and Stage 1 Road Safety Audit are submitted with the application. Outstanding matters, which are minor in nature, can be addressed by condition, in my opinion I am satisfied overall that the development will result in improved pedestrian and cycle permeability in the area, with new connections between Northwood Avenue, Northwood Road, Northwood Crescent and beyond , which will provide connectivity to the Bus Connects corridor at Ballymun Road and to the location of the Northwood MetroLink stop, in accordance with related development plan objectives for the ME zoned lands. I also note that FCC Transportation Planning Section generally supports the development and states no objection subject to conditions. Overall the proposed roads/pedestrian/cycle layout is acceptable subject to conditions, which may be imposed if the Board is of a mind to grant permission, in my opinion

Section 7 of the TTA includes an assessment of the potential trip generation associated with the proposed development and other committed development at Northwood, An assessment of the previous permitted development on site is also included.

The TTA outlines the various existing and proposed public transport facilities located within the vicinity of the proposed development including bus and Metrolink. TII raised no objection. NTA made no submission.

The TTA included traffic surveys carried out at 7 no. junctions: Junction 1 (signalised R108/Northwood Avenue), Junction 2 (signalised Northwood Avenue/Old Ballymun Road), Junction 3 (roundabout Northwood Avenue/access road to Gullivers Retail Park), Junction 4 (roundabout Northwood Avenue/Northwood Road/Affidea Northwood), Junction 5 (signalised R104 Santry Avenue/Northwood Road), Junction 6 (signalised R108/R104 Santry Avenue), Junction 7 (priority Northwood Road/Site access Road).

The analysis for all of the junctions indicates a marginal difference between the 'with' and 'without' development scenarios. The TTA concluded that the percentage impact of additional traffic generated by the proposed development in combination with the baseline is considered to be minimal. The TTA does not identify any significant adverse traffic impacts. This conclusion is accepted given the proposed limited car parking provision and noting also that FCC Transportation Planning Section and the submission of TII state no objection on traffic grounds. I also acknowledge that it is envisaged that traffic patterns are likely to change significantly at this location on foot of Bus Connects and MetroLink proposals.

Having regard to the foregoing I have no objection on the ground of access and traffic safety subject to my recommended amendments.

10.5.2 Metrolink

Observers also raised concerns that the proposed development is premature pending the delivery of MeroLink. In this regard I note that the NTA lodged an application for the Ballymun/Finglas to city centre Core Bus Corridor Scheme under the Bus Connects programme to ABP on 9th September 2022, ref. HA29.314610. Sheet 01 of the submitted plans indicates works at the R108 Ballymun Road to the west of the site and at the R108/Northwood Avenue junction including bus lanes, bus stops, pedestrian and cycle facilities. The scheme indicates that priority for buses will be provided along the entire length of this section of the route with dedicated bus lanes and segregated cycle tracks in both directions. It is envisaged that the improved bus priority measures will reduce delays and improve the capacity of bus routes. In addition, TII lodged a railway order application for the proposed MetroLink rail connection between Charlemont, the city centre and Dublin Airport with ABP on 30th September 2022, ref. NA29N.314724. The MetroLink route will run underground along the route of the R108 Ballymun road with the Northwood underground stop envisaged at the R108 c.600m to the west of the development site. Having regard to the above it is planned that the development will therefore be served by a significantly enhanced public transport infrastructure when these projects come onstream in future years.

10.5.3 Parking

10.5.3.1 Car:

Observers comment that the development does not provide an adequate quantum of car parking and state concerns that this will result in overspill parking at adjacent residential streets. It is submitted that there are already problems as a result of existing parking congestion at Cedarview. The Chief Executive report raised no objection to the proposed parking provision.

The development provides a total of 142 no. car parking spaces, broken down as follows: 90 spaces for the apartments and 52 for the office block. This equates to c.0.33 spaces per residential unit. An additional 8 spaces are provided as a set down area for the creche. The application is accompanied by a Car Parking Rational and Mobility Management Plan. This outlines that in order to ensure the car parking provision does not exceed demand, the Mobility Management Plan outlines how a modal shift away from the private car and towards sustainable modes of transport will be implemented on-site and how the car parking on site will be managed.

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. Central and/or Accessible Urban Locations are described in section 4.20 of the Guidelines as locations that are in or adjacent to (i.e. within 15 minutes walking distance of) city centres or centrally located employment locations. This includes 10 minutes walking distance of DART or Luas stops or within 5 minutes walking distance of high frequency (min 10 minute peak hour frequency) bus services. The application site is one such site and the Guidelines support the case for the reduced parking provision as part of this development. The proposed development comprises BTR apartments and reduced parking will also encourage a modal shift away from private car usage.

The development may be considered as follows with regard to the development plan car parking standards as set out in Table 12.8

Unit Type	No. of Units	Development Plan Standard	Requirement
1-bed apt	124	1 per unit + 1 visitor space per 5 units	124
2-bed apt	144	1.5 per unit + 1 visitor space per 5 units	216
Visitor		1 per 5 units	54
TOTAL RESIDENTIAL			394
Office	2868sq.m	2 per unit + 1 visitor space per 5 units	48
Creche	295sq.m	3 classrooms	2
Total			444

I draw the Boards attention to the report on file of FCC Transportation Planning Section states:

“The Development Plan standards for residential development are norms. The Transportation Planning Section considers the minimum practical parking demand to be one space for units with two bedrooms or less (studio units are considered to have no parking demand) and two spaces for units with three or more bedrooms.

There is parking demand of 393 spaces with regard to the Development Plan Standard requirements and 268 parking spaces from the perspective of the minimum practical parking provision. The application has provided 90 dedicated residential parking spaces”.

The applicant has submitted a Material Contravention Statement which addresses the matter of car parking.

I wish to highlight section 12.10 of the current County Development Plan which states:

“Car parking standards provide a guide as to the number of required off-street parking spaces acceptable for new developments. The principal objective of the application of car parking standards is to ensure that, in assessing development proposals, consideration is given to the accommodation of vehicles attracted to the site within the context of existing Government policy aimed at promoting modal shift to more sustainable forms of transport.”

This wording allows for a degree of flexibility and as such I do not consider the proposed carparking provision to be a material contravention of the current County Development Plan in this respect, notwithstanding the shortfall between the proposed car parking provision and the above development plan standards.

Furthermore, I note that the Development Plan car parking standards are divided into Zones where Zone 1 allows fewer car parking spaces and Zone 2 which allows a higher number of car parking spaces.

Zone 1 applies to areas which are:

- Within 1600m of DART, Metro, Luas, or BRT, (existing or proposed),
- Within 800m of a Quality Bus Corridor,
- Zoned MC, Major Town Centre, or
- Subject to a Section 49 scheme.

The proposed development will be located within c.650m of the proposed Northwood Metro Link station and within 800m of the Swords Quality Bus Corridor. It is therefore could be argued to be classed as Zone 1 which allows for a reduction in the car parking spaces provided such as that being proposed in this instance.

Overall I generally consider the proposed car parking quantum to be acceptable in the context of the performance related approach stated in the Apartment Guidelines, noting the submitted mobility management proposals, which include a car parking management strategy, and with regard to the current public transport capacity in the area. While I note the concerns of local residents regarding on street parking congestion in adjacent streets, the matter of parking control outside the development site is beyond the scope of this assessment

10.5.3.2 Bicycle:

The current County Development Plan sets out the cycle parking standards for various uses: apartments (1 or 2 bedroom) 1 space per unit plus 1 visitor space per 5 units (268 spaces for apartments and 54 visitor spaces required), creche 0.5 spaces per classroom (2 spaces required) and office 1 per 60sq.m (48 spaces required). Based on Development Plan requirements a total of 372 bicycle spaces are required.

Section 4.16 of the Apartment Guidelines recommends a general minimum standard of 1 cycle storage space per bedroom and a visitor cycle parking provision of 1 space per 2 residential units. Based on this required a total of 546 spaces are required.

The current application proposes a 440 spaces for residential apartments and 142 for visitors, 68 spaces for offices and 12 visitor and 2 spaces for creche. A total of 662 bicycle parking spaces are proposed. Cycle stores for permanent cycle parking are located at ground floor and accessible from outside via the undercroft carpark. Visitor spaces are located throughout the site.

The proposed quantum of resident cycle parking exceeds both the New Apartment Guidelines as well the Fingal County Council Development Plan requirements for cycle parking which is acceptable.

10.5.4 Construction Traffic

The submitted Construction Environmental Management Plan provides indicative traffic management proposals, with detailed traffic management measures to be agreed as part of a finalised Construction Traffic Management Plan including haul routes, parking arrangements, management of deliveries, pedestrian safety measures, measures to minimise construction vehicle movements and liaison with local residents. Moderate volumes of construction traffic are anticipated given the limited scale of the development. I am satisfied that, subject to the implementation of a final Construction Traffic Management Plan, which may be required by condition, the construction traffic associated with the development will not have any significant adverse impacts on adjacent residential areas or adverse traffic impacts.

10.6 Services & Drainage

The applicant's Engineering Assessment Report sets out that it is proposed to discharge the development's foul drainage to the sewer to the east of the development which is located on the western boundary of Northwood Road. This sewer is a 225mmØ pipe and is not currently taken in charge by Irish Water, the sewer is owned and managed privately.

The documentation submitted sets out that drains generally will consist of uPVC pipes (to IS 123) or concrete socket and spigot pipes (to IS 6). Pipes will be laid to comply with the requirement of the Building Regulations 2010, and in accordance with the recommendations contained in the Technical Guidance Documents, Section H. Foul water sewers will consist of concrete pipes (to IS 6) or uPVC capable of resisting jetting pressure of 2,600psi and laid strictly in accordance with Irish Water requirements for taking in charge. Internal Slung drains will generally consist of Ductile Iron pipework fixed to the underside of floor slabs. Below ground drains will be PE to Irish Water specification or concrete socket and spigot pipes (to IS 6). The drainage has been designed to flow by gravity to the outfall location at the subject site's access road. Irish Water in their submission stated connection is feasible without infrastructure upgrade by Irish Water. But noted in IW's Pre-Connection Enquiry, dated 17th August 2021, there is a high level of development interest in the area. While capacity is currently available in the wastewater network, the 700mm river crossing sewer at the downstream of the sewer network may have to be considered for upgrade. This will be discussed and agreed at connection application stage. Should upgrade works be required, the applicant is required to contribute a relevant portion of the costs associated with this.

There is an existing 225mmØ surface water public sewer along the south-eastern boundary of the site running from west to east. The surface water sewer increases in size to a 450mmØ pipe running from south to north along the eastern boundary of Northwood Road. It is proposed that the development will attenuate the surface water on site before discharging it, at a restricted rate, to the existing 450mmØ surface water public sewer on Northwood Road.

A 200mmØ watermain exists in Northwood Road, on the eastern boundary of the subject site. As approved by a previous planning consent from Fingal County Council it is proposed to connect into this existing watermain. It is proposed to connect the subject site to the same watermain, with additional (separate) connections installed for the crèche to the south of the site and the office to the north of the site. Irish Water in their submission stated that connection is feasible without infrastructure upgrade by Irish Water. A new 200mm diameter service connection to be made to the 200mm diameter watermain on Northwood Road, bulk meter to be installed and linked up with telemetry online. Onsite storage is required for all commercial units, 24-hour period at Day Peak Week demand. Refill time of 12 hours from empty to full.

The submitted Engineering Assessment Report provides details of the existing surface water network and of the proposed surface water drainage design including SuDS measures such as green roofs and bioretention areas. FCC Water Services Department raised no objection subject to conditions.

The Engineering Assessment Report provides details of projected water demand and foul outflows from the development and new watermains and foul network design. FCC Water Services Department raised no objection subject to conditions.

Having regard to the above the proposed water supply and foul drainage arrangements are considered satisfactory on this basis. I note the requirements of Irish Water and FCC , Water Services Department which are recommended to be addressed by condition and consider them acceptable.

I have examined the reports on file and submissions received. Based on the information before me I am generally satisfied in relation to the matter of surface water disposal and attenuation subject to standard conditions. Notwithstanding, a condition should be attached that final drainage proposals are to be agreed with the planning authority if permission is granted. The site can be facilitated by water services infrastructure and the Planning Authority and Irish Water have confirmed this. I am satisfied that there are no significant water services issues that cannot be addressed by an appropriate condition if the Board is of a mind to grant permission.

Flood risk

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

The SSFRA included an analysis of risks from tidal and fluvial flooding from the Santry River, pluvial flooding, groundwater and drainage system failures due to human error or mechanical system failure. Table 5-1 in the SSFRA sets out a summary of the Flood Risks for each flooding types and concluded that as the flood risk from all sources can be mitigated, reducing the flood risk to low or extremely low, the proposed development is considered acceptable in terms of flood risk.

Based on the information submitted the scheme is deemed appropriate on the basis that the mitigation measures stipulated. I note that FCC Water Services Department have not raised concerns in this regard. I have reviewed the available information and I consider, subject to the implementation of appropriate mitigation measures as contained in the submitted SSFRA that the proposed development is acceptable from a flood risk point of view.

10.7 Ecology/Biodiversity

Observers have raised concerns significant concerns regarding the loss of local habitats and the impact on local biodiversity and in particular refence the effect the removal of trees from the site will have.

An ecological impact assessment report and Bat Survey are submitted with the application. A habitat survey was carried out on the 21st May 2021. A Bat Survey was carried out on the 23rd June 2021 (separate Bat Survey document). The EclA concluded that following consideration of residual impacts it was considered that the development will not result in any significant impacts on any of the identified KER. No priority habitats were identified in the footprint of the area and no invasive non-native species either listed in the Third Schedule or as a species of Union Concern were recorded. C.6000sq.m of habitat of local value will be lost. The EclA concluded that provided the project is constructed and operated in accordance with the design, best practice and mitigation measures incorporated within, it will not result in significant impacts on flora and fauna in the local environment.

Three bat species were recorded during the Bat survey: common pipistrelles, soprano pipistrelles and Leisler's bats. These represent the typical species assemblage for suburban sites. Three trees within the site have low suitability for roosting bats. However, considering their low suitability rating, and the lack of bat activity near these trees during the dusk survey, the site has negligible importance for roosting bats. Bat activity during the dusk survey was very low. All bats were commuting above the site, none foraged near the scrub / immature woodland habitat. On this basis, the site has negligible value for foraging bats. The low levels of bat activity within the site are likely to be caused by light spill from surrounding areas. At a larger scale, the site is surrounded on all sides by artificial light, which may reduce the commuting / dispersal opportunities to and from the site. In combination, the levels of artificial lighting in the surrounding area significantly reduce the suitability of the site and surrounding area for roosting and foraging bats.

I note that an AA Screening report is submitted which I address these in section 12 of this report. Given the nature of the site which has been the subject of site clearance in the past in places, used in part as a car park and the context the current status of the site is of low ecological value. With the exception of the area in the south eastern corner where there is scrub and a number of trees, including mature Oak trees which were assessed for roost potential in the submitted assessment. . The planning authority raised no concerns from an ecology point of view.

Having regard to the foregoing I am of the view that the proposed development would not have a detrimental impact on the receiving environment in terms of ecological impacts.

10.8 Trees

Observers have raised concerns significant concerns regarding the removal of trees from the site.

I note that FCC Parks and Green Infrastructure Section raised concerns and recommended that documentation be submitted by way of condition. This included the requirements for the following documents which I note are submitted with the application and include inter alia An Arboricultural Assessment and Impact Report, A Tree Protection Strategy and Method Statement along with other documentation submitted .

Three semi-mature oaks are located on the southwestern corner of the site. These tree will be retained and incorporated in into the open space serving the proposed development and protected during construction. The Parks and Green Infrastructure section noted their presence and recommended that a tree bond be required by condition.

I have examined the Arboricultural Assessment and Impact Report, A Tree Protection Strategy and Method Statement along with other documentation submitted which I find robust in their assessments and finding and consider subject to proposed mitigation measures acceptable. This matter can be addressed by condition if the Board is of a mind to grant permission.

10.9 Part V

The applicant has submitted Part V proposals as part of the application documents for 27 Units (13 no. 1 bed and 14 no. 2 bed) to be provided in Block B (4 units on floor 2, 3, 4, 5, 6 and 7 respectively and 3 units on floor 8) as forming the Part V housing. The Chief Executive Report note that the Housing Section confirmed the developer's agent has engaged with the department and are aware of the Part V obligations pertaining to this site if permission is granted.

I note the Housing for All Plan and the associated Affordable Housing Act 2021 which requires a contribution of 20% of land that is subject to planning permission, to the Planning Authority for the provision of affordable housing. There are various parameters within which this requirement operates, including dispensations depending on when the land was purchased by the developer. In the event that the Board elects to grant planning consent, a condition can be included with respect to Part V units and will ensure that the most up to date legislative requirements will be fulfilled by the development.

10.10 Social Infrastructure

Concerns have been raised by observers and public representatives that there is a lack of available social infrastructure in the area to meet the needs to the existing community and additional demand arising from the proposed development will further exacerbate this situation.

A 'Social Infrastructure Audit' and a 'School Demand Assessment' have been submitted with the application. This has examined existing range of social infrastructure within the vicinity of the subject site. I have reviewed the applicants audit and noted that concerns raised in the submissions. I also note that the planning authority has not raised concerns in this regard and a review of the social infrastructure is also being undertaken as part of the overall review of the County Development Plan. Notwithstanding the inaccuracies in data submitted I have been able to extract the relevant information and based on the information before me I see no justification to refuse permission on the ground of available social infrastructure.

10.11 Childcare

The Apartment Guidelines (2020) state that the threshold for provision of childcare in apartment schemes should be established having regard to the scale and unit mix of the scheme, the existing geographical distribution of childcare facilities and the emerging demographic profile of the area. The guidelines state that 1 bed or studio units should generally not be considered to contribute to a requirement for childcare provision and, subject to location, this may also apply in part or whole to units with 2 or more bedrooms.

The proposal includes provision for a childcare facility to cater for 50 children. A Childcare Demand Audit is submitted with the application which I have reviewed. The planning authority acceptable. Having regard to the guidance contained in the Apartment Guidelines and in view of the development being comprised of 1 and 2 bed units and the existing available facilities in the area, I am satisfied that the proposed provision for childcare within the development is acceptable. I have address location, design etc in section 10.2.5 of this report.

10.12 Other Matters

10.12.1 Archaeology

An Archaeological Assessment is submitted. I concur with the planning authority that it is unlikely that no archaeological features are present on site given the level of previous disturbance therefore the planning authority considered that there are no predicted impacts on archaeological features and no further archaeological work is considered necessary.

10.12.2 Waste disposal

Matters relating to waste disposal should be dealt with by means of condition, if the Board is disposed towards a grant of permission. I note that a Waste Management Plan was submitted with the application.

10.12.3 Dublin Airport Flight Path

I note the location of the subject site relative to Dublin airport and its associated flight paths. A Special Aeronautical Study submitted with the application has been reviewed.

A report has been received at application stage from the Irish Aviation Authority (IAA) and Dublin Aviation Authority (daa) and their contents noted. If the Board is disposed towards a grant of permission, I recommend that a condition be attached as recommended by the daa in this regard.

10.13 Material Contravention

The applicant has submitted a statement of material contravention in relation to the floor area standards; car parking; open space and playground provision with regard to policies and objectives of the Fingal County Development Plan 2017-2023 and includes the justification/ reasons put forward relate to the relevant section 28 guidelines, regional guidelines or national frameworks. The applicant has advertised that a statement of material contravention is submitted as part of the application as required under legislation.

I have addressed in my assessment why I do not consider that the proposed development materially contravenes the provisions contained in the Fingal County Development Plan 2017-2023 relating to floor area standards, carparking and open space. I address the matter of playground provision below. Having regard to the above planning assessment, I am satisfied that there is no potential material contravention in relation to any other matters and I note in this regard that neither the planning authority did not raise any other potential material contravention issues.

John Coway & Louth Environmental Group raised issue with the development material contravening the current Development provisions relating to density, height and visual impact. I have set out in my assessment why I am satisfied that the issue of material contravention does not arise in matters relating to density, height and visual impact.

Playground Provision

The area of the proposed play facilities does not meet the quantitative requirements stated in development plan Objective DMS75 and is therefore considered to represent a material contravention of the development plan in this respect. Given that the matter is addressed in the Material Contravention Statement, it is open to the Board to invoke section 37(2)(b) of the of the Planning and Development Act 2000 in relation to playground provision.

Section 37(2)(b) of the Act of 2000 (as amended) states that where a proposed development materially contravenes the Development Plan, the Board may grant permission where it considers that:

- (i) the proposed development is of strategic or national importance,
- (ii) there are conflicting objectives in the development plan or the objectives are not clearly stated, insofar as the proposed development is concerned, or
- (iii) permission for the proposed development should be granted having regard to regional spatial and economic strategy for the area, guidelines under section 28, policy directives under section 29, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government, or
- (iv) permission for the proposed development should be granted having regard to the pattern of development, and permissions granted, in the area since the making of the development plan

I consider that the development materially contravenes development plan policy in relation to the matter of the provision of play facilities with regard to development plan Objective DMS75. I consider that, having regard to the provisions of section 37(2) of the Planning and Development Act 2000, as amended, the grant of permission in material contravention of the County Development Plan would be justified for the following reasons and considerations.

The current application has been lodged under the Strategic Housing legislation and in respect of 37(2)(b)(1) the proposal meets the definition of 'strategic housing development' pursuant to section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016 (as amended). The policies and objectives within Housing for All – A New Plan for Ireland (2021) and the National Planning Framework (NPF) – Ireland 2040 which fully support and reinforce the need for increased residential density in settlements such as that proposed. National Policy Objective 35 of the NPF refers to such sites. I consider this to be one such site. Ultimately higher densities, result in greater numbers of people living at the right location, as well as taller buildings that should be delivered with greater unit mix and higher quality accommodation. And noting in particular the location of the development site on lands with the zoning objective ME Metro Economic, where there is an objective to facilitate opportunities for high-density mixed-use development generating activity and commercial development, and to support the provision of an appropriate quantum of residential development within the Metro Economic Corridor. I have addressed all of these points in the body of my report.

In relation to playground provision, regard is had section 4.13 of the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in December 2022 which sets out that:

The recreational needs of children must be considered as part of communal amenity space within apartment schemes. Experience in Ireland and elsewhere has shown that children will play everywhere. Therefore, as far as possible, their safety needs to be taken into consideration and protected throughout the entire site, particularly in terms of safe access to larger communal play spaces.

Children's play needs around the apartment building should be catered for:

- within the private open space associated with individual apartments (see chapter 3);
- within small play spaces (about 85 – 100 sq. metres) for the specific needs of toddlers and children up to the age of six, with suitable play equipment, seating for parents/guardians, and within sight of the apartment building, in a scheme that includes 25 or more units with two or more bedrooms; and
- within play areas (200–400 sq. metres) for older children and young teenagers, in a scheme that includes 100 or more apartments with two or more bedrooms.

Having regard to the provisions of Section 37(2)(b) (iii) of the Planning and Development Act (as amended), I consider that a grant of permission, that may be considered to material contravene the Development Plan, would be justified in this instance under sub sections (iii) of the Act and permission for the development should be granted having regard to guidelines under section 28 of the Act and the National Planning Framework, specifically Section 4.13 as set out above. I am of the view that material contravention is justified in this instance.

I am of the opinion that given its 'ME' zoning, the delivery of residential development on this serviced zoned site would be consistent with policies and intended outcomes of the NPF and Housing For All – A New Housing Plan for Ireland. The site is located in an accessible location, served by good quality public transport in an existing serviced area. The proposal serves to widen the housing mix within the general area and would improve the extent to which it meets the various housing needs of the community. The proposed development has been lodged under the strategic housing process, which aims to fast-track housing development on appropriate sites in accordance with the policies and objectives of Rebuilding Ireland. This legislation recognises the strategic importance of such sites in the provision of housing in meeting both current and future need. The proposed development meets or exceeds to requirements set out in the Sustainable Urban Housing: Design Standards for New Apartments and the Sustainable Residential Development in Urban Areas Guidelines.

Having regard to the provisions of Section 37(2)(b) of the Planning and Development Act (as amended), I consider that a grant of permission, that may be considered to material contravene the Development Plan, would be justified in this instance under sub sections (iii) of the Act.

Observers' have commented on the legality of the S.28 Building Height Guidelines and the Apartment Design Guidelines and the ability of the Board to have regard to same in deciding planning applications, however, I consider that such matters lie outside the scope of this report.

10.13 Chief Executive Report

As previously referred to in this report the planning authority are recommending a grant of permission subject to 32 suggested conditions. I note the conditions recommended in the accompanying technical reports in the event the Board grants permission. I have addressed issues raised in the Chief Executive Report in my assessment above.

10.14 Planning Assessment Conclusion

Having regard to the above assessment, I conclude that permission should be granted for the proposed development subject to the conditions set out below.

11.0 Environmental Impact Assessment (EIA) Screening

The applicant has addressed the issue of Environmental Impact Assessment (EIA) within an 'Environmental Impact Assessment (EIA) Screening Report' and 'Statement in accordance with Article 299B (1)(b)(ii)(II)(c)' pursuant to Planning and Development Regulations 2001-2021' I have had regard to same in this screening assessment. These reports contain information to be provided in line with Schedule 7 of the Planning and Development Regulations 2001. The EIA screening report submitted by the applicant, identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment.

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

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

Class 14 relates to works of demolition carried out in order to facilitate a project listed in Part 1 or Part 2 of this Schedule where such works would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7.

It is proposed to remove existing hard standing areas which serves as a temporary carpark from the site, construct 268 no. BTR apartments in two blocks, a creche building and an office block and all associated works on a site with a stated area of c 1.36ha. The site is located on a brownfield site within the urban footprint of Dublin city. The site is not located within any designated Archaeology zone of Interest. The site does not contain any protected structures or recorded monuments. site is, therefore, below the applicable threshold of 10ha. The site currently contains stockpiles of materials/rubble and the remnants of a car park. Having regard to the relatively limited size and the location of the development, and by reference to any of the classes outlined above, a mandatory EIA is not required. I would note that the development would not give rise to significant use of natural resources, production of waste, pollution, nuisance, or a risk of accidents. The site is not subject to a nature conservation designation. The proposed development would use the public water and drainage services of Irish Water and Fingal County Council, upon which its effects would be marginal. A CEMP, a C&DWMP, a DMP, a Landscape Report, An Arboricultural Impact Assessment & Method Statements and a Wind and Microclimate Report, a Hydrology & Hydrogeology Impact Assessment, a Site Investigation report, an Engineering Assessment Report, an Ecological Impact Assessment, a Bat Survey have also been submitted with the applicant and an Appropriate Assessment Screening Report.

Article 299B (1)(b)(ii)(II)(A) of the regulations states that the Board shall satisfy itself that the applicant has provided the information specified in Schedule 7A. The criteria set out in schedule 7A of the regulations are relevant to the question as to whether the proposed sub-threshold development would be likely to have significant effects on the environment that could and should be the subject of environmental impact assessment. It is my view that sufficient information has been provided within the Environmental Report and the 'Statement pursuant to Planning and Development Regulations 2001 (as amended) and Section 299B(1)(b)(ii)(II)(C)' (which should be read in conjunction with each other) and other documentation to determine whether there would or would not be likely to have a significant effect on the environment.

Article 299B (1)(b)(ii)(II)(B) states that the Board shall satisfy itself that the applicant has provided any other relevant information on the characteristics of the proposed development and its likely significant effects on the environment. The various reports submitted with the application address a variety of environmental issues and assess the impact of the proposed development, in addition to cumulative impacts with regard to other permitted developments in proximity to the site, and demonstrate that, subject to the various construction and design related mitigation measures recommended, the proposed development will not have a significant impact on the environment. I have had regard to the characteristics of the site, location of the proposed development, and types and characteristics of potential impacts and all other submissions. I have also considered all information which accompanied the application including inter alia:

- Planning Report

- Statement of Consistency
- Material Contravention Statement
- School Demand Assessment
- EIA Screening
- Childcare Demand Audit
- Social Infrastructure Audit
- Build to Rent Market Justification Report
- Build to Rent Operational Management Report
- Lifecycle Report
- Architectural Design Statement
- Housing Quality Assessment
- Access Statement
- Daylight and Sunlight Assessment Report
- Traffic & Transport Assessment
- Engineering Assessment Report
- DMURS Statement of Consistency
- Flood Risk Assessment
- Car Parking Rationale and Mobility Management Plan
- Construction and Environmental Management Plan
- Archaeological Assessment of a Proposed Strategic Housing Development, Northwood Crescent, Santry Demesne, Dublin 9
- Landscape report
- Landscape and Visual Impact Assessment Report
- LVIA Photomontages.
- Tree Survey and Constraints
- Arboricultural Assessment and Impact Report
- Tree Protection Strategy & Method Statement
- Statement in accordance with Article 299B(1)(b)(ii)(II)(C) of the Planning and Development Regulations 2001-2021
- Dust Management Plan
- Ecological Impact Assessment
- Bat Report
- Northwood Hydrology & Hydrogeology Impact Assessment
- Noise Impact Assessment of Proposed Strategic Housing Development, Northwood Crescent, Santry Demesne, Dublin 9
- Screening for Appropriate Assessment
- Construction and Demolition Waste Management Plan
- Energy and Sustainability Report
- Outdoor Lighting Report Co-ordination Issue
- Transportation Analysis Planning
- Stage 1 Road Safety Audit
- Crane at Northwood Avenue Special Aeronautical Study Ireland
- Wind & Microclimate Report
- Site Investigation Report

Article 299B (1)(b)(ii)(II)(C), requires the applicant to provide to the Board a statement indicating how the available results of other relevant assessments of the effects on the environment carried out pursuant to European Union legislation other than the Environmental Impact Assessment Directive have been taken into account. In this regard the applicant submitted a Section 299B Statement.

The list below relates to assessment that I have taken account of -

- The Birds Directive (Directive 2009/147/EC) and Habitats Directive (Council Directive 92/43/EEC) through the Appropriate Assessment Screening Report and CEMP.
- The Water Framework Directive (WFD) (Directive 2000/60/EC) and The Groundwater Directive (Directive 2006/118/EC). The EIA Screening statement AA Screening Report, Northwood Hydrology & Hydrogeology Impact Assessment and Engineering Assessment Report have been informed by the water quality status.
- The Floods Directive (Directive 2007/60/EC) Risk Assessment through the Site-Specific Flood Risk Assessment (SSFRA) and the implementation of the Fingal County Development Plan 2017-2023 which undertook a Strategic Flood Risk Assessment (SFRA).
- The Strategic Environmental Assessment (SEA) Directive 2001/42/EC through the zoning of the land for ME in accordance with the Fingal County Development Plan 2017-2023 which was subject to SEA.
- The Waste Framework Directive 2008/98/EC thorough the design of the proposed development and the mitigation measures set out in the Construction Environmental Management Plan, the Construction & Demolition Waste Management Plan, Engineering Assessment Report and the Operational Waste Management Plan.
- The Seveso Directive (Directive 82/501/EEC, Directive 96/82/EC, Directive 2012/18/EU). The proposed site is not located within the consultation zones, therefore, this does not form a constraint to the proposed development at this location.

The applicants 'Environmental Impact Assessment Screening Report' under the relevant themed headings and the 'Statement in accordance with Article 299B(1)(b)(ii)(II)(C) of the Planning and Development Regulations 2001-2021' considered the implications and interactions between these assessments and the proposed development, and as outlined in the report states that the development would not be likely to have significant effects on the environment. I am satisfied that all relevant assessments have been identified for the purpose of EIA Screening. I have also taken into account the SEA and AA of the Fingal County Development Plan 2017-2023.

John Conway and Louth Environmental Group in their submission raised concerns that a full EIA is required (notwithstanding that the development is subthreshold) due to inter alia the potential for contaminants on site and locus of the site adjacent to a protected habitat. I have fully considered the potential impact arising from the construction phase and removal of materials and the Board is referred to section 10.4.5.1 in this report where I have addressed this. I have fully considered the potential impact arising from the proposed height of the development and the Board is referred to section 10.2.1 in this report where I have addressed this. I am satisfied that the proposed development will not a significant impact on the receiving environment in this regard. The submission also raised concerns that the Screening for EIA presented, including the Ecological report submitted is inadequate and deficit and does not permit an assessment of the potential environmental Impact of the proposed development. With regard to the information submitted with the application and in particular the EIA screening Report and Statement on EIA Screening Process Pursuant to Article Section 299B of the Planning and Development Regulations 2001, I am satisfied that these are adequate and comply with the requirements for said documentation and has set out how the proposed development would not a significant impact on the receiving environment

I have completed an EIA screening determination as set out in Appendix 2 of this report. I consider that the location of the proposed development and the environmental sensitivity of the geographical area would not justify a conclusion that it would be likely to have significant effects on the environment. The proposed development does not have the potential to have effects the impact of which would be rendered significant by its extent, magnitude, complexity, probability, duration, frequency, or reversibility. In these circumstances, the application of the criteria in Schedule 7 to the proposed sub-threshold development demonstrates that it would not be likely to have significant effects on the environment and that an environmental impact assessment is not required before a grant of permission is considered. This conclusion is consistent with the information provided in the applicant's EIA Screening Report.

A Screening Determination should be issued confirming that there is no requirement for an EIAR based on the above considerations.

12.0 Appropriate Assessment

12.1 Introduction

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

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 at Northwood Crescent/Northwood Road, Santry, a residential development comprising 268 BTR apartments, office block, creche and ancillary works is not directly connected to or necessary to the management of any European site and therefore is subject to the provisions of Article 6(3).

12.2 Screening for Appropriate Assessment (Stage 1)

12.3 Description of Development

The applicant provides a description of the project in section 2.2 of the Screening for Appropriate Assessment submitted with the application. I refer the Board to section 3 of this report.

12.4 The Development Site and Receiving Environment

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

The development site is located within the upper catchment of the Santry River, which discharges to Dublin Bay at North Bull Island. There are no surface watercourses present on or in the immediate vicinity of the site.

12.5 Test of likely significant effects

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 project is likely to have significant effects on a European site(s).

The proposed 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.

12.6 Designated sites within Zone of Influence

I note that the applicant's screening report concluded that due to the scale of the development and the hydrological connectivity from the site to several Natura 2000 sites a zone of influence of 10 km was considered appropriate.

Designated sites within Zone of Influence using conservative 15km:

Designated Site (Site Code)	Distance to Development	Conservation Objectives /Qualifying Interests
Special Areas of Conservation		
Baldoyle Bay SAC (000199)	c.8.1 km	The conservation objectives for the SAC relate to the maintenance of a favourable conservation condition of the following Annex I habitats, as defined by specific attributes and targets: 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 maritimae</i>) [1330], Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]
Malahide Estuary SAC (000205)	c. 8.2km	The conservation objectives for the SAC relate to the maintenance of a favourable conservation condition of the following Annex I habitats, as defined by specific attributes and targets: 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 maritimae</i>) [1330]. Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]. Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120]. Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]
North Dublin Bay SAC (000206)	c. 6.9 km	The conservation objectives for the SAC relate to the maintenance of a favourable conservation condition of the following Annex I habitats and Annex II species, as defined by specific attributes and targets: Mudflats and sandflats not covered by seawater at low tide [1140]. Annual vegetation of drift lines [1210]. Salicornia and other annuals colonising mud and sand [1310]. Atlantic salt meadows (<i>Glauco-</i>

		Puccinellietalia maritimae) [1330]. Mediterranean salt meadows (Juncetalia maritimi) [1410]. Embryonic shifting dunes [2110]. Shifting dunes along the shoreline with Ammophila arenaria (white dunes) [2120]. Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]. Humid dune slacks [2190]. Petalophyllum ralfsii (Petalwort) [1395]
Rockabill to Dalkey Island SAC (003000)	c. 11.8 km	The conservation objectives for the SAC relate to the maintenance of a favourable conservation condition of the following Annex I habitat and Annex II species, as defined by specific attributes and targets: Reefs [1170]. Phocoena (Harbour Porpoise) [1351]
Ireland's Eye SAC (002193)	c. 12.1 km	The conservation objectives for the SAC relate to the maintenance of a favourable conservation condition of the following Annex I habitats, as defined by specific attributes and targets: Perennial vegetation of stony banks [1220]. Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]
Howth Head SAC (000202)	c. 11 km	The conservation objectives for the SAC relate to the maintenance of a favourable conservation condition of the following Annex I habitats, as defined by specific attributes and targets: Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]. European dry heaths [4030]
South Dublin Bay SAC (000210)	c. 8 km	The conservation objectives for the SAC relate to the maintenance of a favourable conservation condition of the following Annex I habitats, as defined by specific attributes and targets: 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]
Rogerstown Estuary SAC (000208)	c. 11.2 km	The conservation objectives for the SAC relate to the maintenance of a favourable conservation condition of the following Annex I habitats, as defined by specific attributes and targets: Estuaries [1130]. Mudflats and sandflats not covered by seawater at low tide [1140]. Salicornia and other annuals colonising mud and sand [1310]. Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330]. Mediterranean salt meadows (Juncetalia maritimi) [1410]. Shifting dunes along the shoreline with Ammophila arenaria (white dunes) [2120]. Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]

Lambay Island SAC (000204)	c.17.3 km	The conservation objectives for the SAC relate to the maintenance of a favourable conservation condition of the following Annex I habitats and Annex II species, as defined by specific attributes and targets: Reefs [1170]. Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]. Halichoerus grypus (Grey Seal) [1364]. Phoca vitulina (Harbour Seal) [1365]
Special Protection Areas		
Baldoyle Bay SPA (0004016)	c. 8.1km	The conservation objectives for the SPA relate to the maintenance of the bird species and Annex I habitat listed as Special Conservation Interests for the SPA, as defined by the specific attributes and targets: 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]
Broadmeadow/Swords Estuary (Malahide Estuary) SPA (004025)	c. 8.2km	The conservation objectives for the SPA relate to the maintenance of the bird species and Annex I habitat listed as Special Conservation Interests for the SPA, as defined by the specific attributes and targets: Great Crested Grebe (<i>Podiceps cristatus</i>) [A005]. Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]. Shelduck (<i>Tadorna tadorna</i>) [A048]. Pintail (<i>Anas acuta</i>) [A054]. Goldeneye (<i>Bucephala clangula</i>) [A067]. Red-breasted Merganser (<i>Mergus serrator</i>) [A069]. Oystercatcher (<i>Haematopus ostralegus</i>) [A130]. Golden Plover (<i>Pluvialis apricaria</i>) [A140]. Grey Plover (<i>Pluvialis squatarola</i>) [A141]. Knot (<i>Calidris canutus</i>) [A143]. Dunlin (<i>Calidris alpina</i>) [A149]. Black-tailed Godwit (<i>Limosa limosa</i>) [A156]. Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]. Redshank (<i>Tringa totanus</i>) [A162]. Wetland and Waterbirds [A999]
North Bull Island SPA (004006)	c. 6.85 km	The conservation objectives for the SPA relate to the maintenance of the bird species and Annex I habitat listed as Special Conservation Interests for the SPA, as defined by the specific attributes and targets: Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]. Shelduck (<i>Tadorna tadorna</i>) [A048]. Teal (<i>Anas crecca</i>) [A052]. Pintail (<i>Anas acuta</i>) [A054]. Shoveler (<i>Anas clypeata</i>) [A056]. Oystercatcher (<i>Haematopus ostralegus</i>) [A130]. Golden Plover

		(<i>Pluvialis apricaria</i>) [A140]. Grey Plover (<i>Pluvialis squatarola</i>) [A141]. Knot (<i>Calidris canutus</i>) [A143]. Sanderling (<i>Calidris alba</i>) [A144]. Dunlin (<i>Calidris alpina</i>) [A149]. Black-tailed Godwit (<i>Limosa limosa</i>) [A156]. Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]. Curlew (<i>Numenius arquata</i>) [A160]. Redshank (<i>Tringa totanus</i>) [A162]. Turnstone (<i>Arenaria interpres</i>) [A169]. Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]. Wetland and Waterbirds [A999]
Ireland's Eye SPA (004117)	c. 12 km	The conservation objectives for the SPA generally relate to the maintenance of the bird species listed as Special Conservation Interests for the SPA: Cormorant (<i>Phalacrocorax carbo</i>) [A017]. Herring Gull (<i>Larus argentatus</i>) [A184]. Kittiwake (<i>Rissa tridactyla</i>) [A188]. Guillemot (<i>Uria aalge</i>) [A199]. Razorbill (<i>Alca torda</i>) [A200]
South Dublin Bay and River Tolka Estuary SPA (004024)	c.5 km	The conservation objectives for the SPA relate to the maintenance of the bird species and Annex I habitat listed as Special Conservation Interests for the SPA, as defined by the specific attributes and targets: 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]
Howth Head Coast SPA (004113)	c. 13.3 km	The conservation objectives for the SPA generally relate to the maintenance of the bird species listed as the Special Conservation Interest for the SPA: Kittiwake (<i>Rissa tridactyla</i>) [A188]
Rogerstown Estuary SPA (004015)	c. 11.6 km	The conservation objectives for the SPA relate to the maintenance of the bird species and Annex I habitat listed as Special Conservation Interests for the SPA, as defined by the specific attributes and targets: Greylag Goose (<i>Anser anser</i>) [A043]. Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]. Shelduck (<i>Tadorna tadorna</i>) [A048]. Shoveler (<i>Anas clypeata</i>) [A056]. Oystercatcher (<i>Haematopus ostralegus</i>) [A130]. Ringed Plover (<i>Charadrius</i>

		hiaticula) [A137]. Grey Plover (<i>Pluvialis squatarola</i>) [A141]. Knot (<i>Calidris canutus</i>) [A143]. Dunlin (<i>Calidris alpina</i>) [A149]. Black-tailed Godwit (<i>Limosa limosa</i>) [A156]. Redshank (<i>Tringa totanus</i>) [A162]. Wetland and Waterbirds [A999]
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I do not consider that any other European Sites fall within the zone of influence of the project, having regard to the distance from the development site to same, and the lack of an obvious pathway to same from the development site.

I consider that there is no possibility of significant effects on the following designated sites within 15 km, with regard to their conservation objectives, due to intervening distances, to the nature of the intervening land uses and to the absence of a hydrological or any other linkage between the development and the European Site, and/or due to the presence of a substantial marine water buffer between the surface water discharge point and/or the WWTP outfall pipe at Ringsend and the European site and potential for pollution to be dissipated in the drainage network. I have therefore excluded them from the remainder of this AA screening:

- Baldoyle Bay SAC (000199)
- Malahide Estuary SAC (000205)
- Rockabill to Dalkey Island SAC (003000)
- Ireland's Eye SAC (002193)
- Howth Head SAC (000202)
- Rogerstown Estuary SAC (000208)
- Lambay Island SAC (000204)
- Special Protection Areas
- Baldoyle Bay SPA (0004016)

- Broadmeadow/Swords Estuary (Malahide Estuary) SPA (004025)
- Ireland's Eye SPA (004117)
- Howth Head Coast SPA (004113)
- Rogerstown Estuary SPA (004015)

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

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

12.7 Potential Effects on Designated Sites

Potential indirect effects on the South Dublin Bay and River Tolka Estuary SPA (Site Code 004024), North Dublin Bay SAC (Site Code 000206), South Dublin Bay SAC (Site Code 000210) and North Bull Island SPA (Site Code 004006), relate to:

- Potential impacts on water quality during construction phase due to pollutants entering water course.
- Potential impacts on air quality during construction phase due to changes in air quality.
- Potential impacts on water quality during operational phase due to changes in air quality.
- Potential impact during operational phase via public foul sewer and surface water sewer networks.

12.8 Assessment of potential for likely Effects on Designated Sites

The proposed development will not result in any direct loss of habitat within Natura 2000 sites and no potential for habitat fragmentation is identified. Similarly, having regard to separation from European sites, construction or operational activity thereon will not result in any disturbance or displacement of qualifying interests of the identified sites. The habitats within the site are not of value for qualifying species of these Natura 2000 sites, which are associated with estuarine shoreline areas or wetlands. Habitats in the vicinity of the site maybe of value for qualifying species of these Natura 2000 sites, which are associated with estuarine shoreline areas or wetlands. The site itself does not provide suitable roosting or foraging grounds for these species. No ex-situ impacts on qualifying species are therefore considered likely.

Surface water run-off and discharges from the proposed development will drain to the existing local surface water drainage network. Foul water will be discharged to a local authority foul sewer.to Ringsend WWTP for treatment, via the existing foul water drainage network, prior to discharge into the Liffey Estuary/Dublin Bay. There is an indirect hydrological pathway between the application site and the coastal sites listed above via the public drainage system and the Ringsend WWTP.

The scale of the proposed development relative to the rest of the area served by that system means that the impact on the flows from that system would be negligible and would not have the potential to have any significant effect on any Natura 2000 site.

Permission was granted by An Bord Pleanála in April 2019 for the upgrading of the Ringsend WWTP under ABP ref. ABP-301798-18, which works are currently underway. In granting permission, the Board undertook an Appropriate Assessment of the proposed development and concluded that that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the European Sites, in view of the sites' Conservation Objectives. Documentation and evidence provided in that case, including the EIAR, provide a reasonable basis to conclude that this proposed development would not be likely to give rise to significant effects on the conservation objectives of European Sites, either individually, or when taken together and in combination with other plans or projects. The increased loading on the plant arising from the development proposed herein will not be significant in the context of the wider city and the increased capacity of the plant.

The Engineering Assessment Report, the Construction Environmental Management Plan and the proposed Construction and Demolition Waste Management Plan, outline detail standard construction management measures to control the possibility of potential pollutants exiting the site during construction and operation (in respect of SuDs), including surface water management, material storage, waste management and other environmental management measures. These works/measures are a standard approach for construction works in an urban area and it should be noted that their implementation would be necessary for a residential development on any site in order to protect the surrounding environs regardless of proximity or connections to any European Site or any intention to protect a European Site. A Hydrology & Hydrogeology Impact Assessment is also submitted. I am satisfied that the measures outlined are typical and well proven construction methods and would be expected by any competent developer whether or not they were explicitly required by the terms and conditions of a planning permission.

I also consider that, even if the aforementioned best practice construction management measures were not in place, the possibility of significant effects on designated sites is unlikely given the nature and scale of the development, the intervening distance between the development and the designated sites and the resultant dilution factor with regard to the conservation objectives of the relevant designated sites and habitats and species involved. I therefore do not include these measures as 'mitigation measures' for the purposes of protecting Natura sites.

The applicant's AA screening report identified nitrogen deposition, resulting from traffic emissions, as an ever increasing threat to Natura 2000 sites and nitrogen drift can occur over large distances. It is considered that the number of vehicles involved in the construction of the project is not anticipated to result in likely significant effects when considered against background nitrogen emission in the area. During operational phase, given the distance of the site to the Natura 2000 sites and negligibility of the growth in comparison to background traffic emission it is not deemed likely that the development will have a significant effect on nitrogen deposition rates and therefore on the integrity of the surrounding Natura 2000 sites.

12.9 In Combination/Cumulative Impacts

Observers have raised concerns that the AA screening does not consider cumulative impacts. A number of applications (including SHD) have been permitted in the wider area and have screened out stage 2 appropriate assessment. I am satisfied that 'in-combination' effects arising from this development and others, will not result in significant effects on any European site arising from the level of discharge envisaged.

Therefore, having regard to the scale and nature of the proposed student accommodation and its location within the built up area of the city which can be serviced, I conclude that the proposed development would not be likely to have any significant effects on any Natura 2000 site, either directly or indirectly or in combination with other plans and projects.

12.10 Mitigation measures

No measures designed or intended to avoid or reduce any harmful effects of the project on a European Site have been relied upon in this screening exercise.

12.11 Screening Determination

The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. Having carried out Screening for Appropriate Assessment of the project, it has been concluded that the project individually or in combination with other plans or projects would not be likely to give rise to significant effects on European Site No. 000210 (South Dublin Bay SAC), 000206 (North Dublin Bay SAC), 004024 (South Dublin Bay and River Tolka Estuary SPA) and 004006 (North Bull Island SPA) or any other European site, in view of the sites' Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is not therefore required. This is based on the following:

- The nature and scale of the proposed development on fully serviced lands,
- The intervening land uses and distance from European Sites, and
- Lack of direct connections with regard to the source-pathway-receptor model.

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

13.0 Conclusion

I consider given the zoning, the delivery of residential development on this prime, underutilised site, in a compact form comprising well-designed, higher density units would be consistent with policies and intended outcomes of current Government policy. The site is considered to be located in a central and accessible location, it is within easy walking distance of good quality public transport in an emerging serviced area. The proposal serves to widen the housing mix within the general area; would improve the extent to which it meets the various housing needs of the community and would provide additional commercial facilities that would be of benefit to the wider area. I consider that the proposal does not represent overdevelopment of the site and is acceptable in principle on these lands.

I am satisfied that the proposal will not impact on the visual or residential amenities of the area, to such an extent as to warrant a refusal of permission.

I consider the proposal to be generally in compliance with both national and local policy, together with relevant section 28 ministerial guidelines.

I also consider it to be in compliance with the proper planning and sustainable development of the area and having regard to all of the above, I recommend that permission is granted, subject to conditions.

For the reasons outlined above, I consider that the proposal is in compliance with the proper planning and sustainable development of the area and I recommend that permission is **granted** under section 9(4)(d) of the Act for the reasons and considerations set out below.

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 be GRANTED for the proposed development, subject to conditions, for the reasons and considerations set out below.

15.0 Recommended Board Order

Planning and Development Acts 2000 to 2023 Planning Authority: Fingal County Council

Application for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, as amended, in accordance with plans and particulars, lodged with An Bord Pleanála on the 31st day of March 2022 by Kalegale Limited c/o Tom Phillips + Associates Planning Consultants, 80 Harcourt Street, Dublin 2.

Proposed Development comprises of the following:

Permission for a Strategic Housing Development with a total application site area of c. 1.3 ha, on a site located at Northwood Crescent, Santry Demesne, Dublin 9. The site is bounded by Northwood Crescent to the south and southwest; The Crescent Building to the north-west; Northwood Avenue to the north; and Northwood Road to the east. The development, with a total gross floor area of c. 27,904 sqm, will consist of the construction of 268 no. Build-to-Rent apartment units arranged over 2 no. blocks ranging in height from 5 to 11 storeys (Block A will comprise 54 no. 1-bedroom units and 44 no. 2-bedroom units; Block B will comprise 70 no. 1-bedroom units and 100 no. 2-bedroom units); Residential amenity facilities including a reception, post room and building management office; lounge areas, shared workspace, multimedia/games room, meeting rooms and a single storey residents' gym at podium level (145 sqm); ancillary uses comprising a generator room; utilities room; bin stores; water tank rooms; sprinkler tank room; bicycle stores; storage rooms and plant rooms; the provision of all private and communal open space, including balconies/terraces to be provided for each apartment; and communal open space areas including a first-floor central podium garden connecting Blocks A and B and 2 no. rooftop terraces and a single storey 295 sqm crèche with dedicated outdoor play area.

The development will also comprise the construction of a 3-storey office building with a total gross floor area of c.2,868 sqm, including ancillary uses comprising a reception/security area, staff amenities, bike stores, waste room and a plant room. The development will also include the provision of hard and soft landscaping, public realm improvements and amenity areas including public open space, a children's play area and a community outdoor dining area; the provision of internal roads and pathways; 142 no. undercroft car parking spaces at ground floor level, 8 no. crèche set down spaces, and 662 no. bicycle parking spaces at ground floor level and surface level. The development will also include all associated ancillary development including 2 no. ESB switch rooms and 2 no. ESB substations; ground works and foul drainage; stormwater drainage; attenuation tank and related SUDS measures, water supply; service ducting and cabling; electric vehicle charging points; public lighting; boundary treatments; and all ancillary site development and excavation works above and below ground. Vehicular access is proposed via a new entrance on Northwood Road; Vehicular set down area for crèche with access/egress is located on Northwood Crescent. The provision of 2 no. pedestrian crossings on Northwood Crescent and Northwood Road.

The application contains a statement setting out how the proposal will be consistent with the objectives of the Fingal County Development Plan 2017-2023. The application contains a statement indicating why permission should be granted for the proposed development, having regard to a consideration specified in section 37(2)(b) of the Planning and Development Act, 2000, as amended, notwithstanding that the proposed development materially contravenes a relevant development plan or local area plan other than in relation to the zoning of the land.

Decision

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

Matters Considered

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

Reasons and Considerations

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

- (a) The location of the site in the established urban area of County Fingal in an area subject to the ME 'Metro Economic' zoning objective where high density mixed-use and residential development is envisaged under the County Development Plan;
- (b) The policies and objectives of the Fingal County Development Plan 2017-2023;
- (c) The Rebuilding Ireland Action Plan for Housing and Homelessness 2016;
- (d) The Housing for All, A New Housing Plan for Ireland issued by the Department of Housing, Local Government and Heritage September 2021;
- (e) Project Ireland 2040 National Planning Framework;
- (f) The Climate Action Plan 2023
- (g) 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 (and Interim Advice note Covid 19 May 2020);
- (h) The Guidelines for Sustainable Residential Developments in Urban Areas and the accompanying Urban Design Manual – a Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009;
- (i) The Urban Development and Building Heights Guidelines for Planning Authorities, prepared by the Department of Housing, Planning and Local Government in December 2018;
- (j) The Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of the Environment, Community and Local Government in 2020.
- (k) The nature, scale and design of the proposed development and the availability in the area of a wide range of social, transport and water services infrastructure;

- (l) The planning history of the site and within the area;
- (m) Section 37(b)(2) of the Planning and Development Act 2000, as amended, whereby the Board is not precluded from granting permission for a development which materially contravenes a Development Plan;
- (n) The pattern of existing and permitted development in the area;
- (o) The Chief Executive's Report from the planning authority;
- (p) The submissions and observations received, and
- (q) The report and recommendation of the Inspector.

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

Appropriate Assessment Screening

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European Sites, taking into account the nature, scale and location of the proposed development within a zoned and serviced urban area, the Appropriate Assessment Screening document submitted with the application, the Inspector's report, and submissions on file. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other development 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.

Environmental Impact Assessment Screening

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

Having regard to: -

- (a) the nature and scale of the proposed development, which is below the threshold in respect of Class 10(i) and (iv) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
- (b) the location of the site on lands zoned ME with an objective "*facilitate opportunities for high-density mixed-use employment generating activity and*

commercial development and support the provision of an appropriate quantum of residential development within the Metro Economic Corridor.” and the Strategic Environmental Assessment of the Plan;

(c) The existing use on the site and pattern of development in surrounding area;

(d) The planning history relating to the site

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

(f) the location of the development outside of any sensitive location specified in article 299(C)(1)(v) of the Planning and Development Regulations 2001 (as amended)

(g) The guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage and Local Government (2003),

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

(i) The features and measures proposed by applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the Construction and Demolition Waste Management Plan (CDWMP), , Construction Environmental Management Plan (CEMP),Dust Management Plan (DMP) Site Investigation Report, the Hydrology & Hydrogeology Impact Assessment, Site Investigation Report, Ecological Impact Assessment, Arboricultural Assessment and Impact Report, Wind and Micro Climate Report, Bat Report, the Engineering Assessment Report, Screening for Appropriate Assessment.

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

Conclusions on Proper Planning and Sustainable Development:

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

The Board considered that, while a grant of permission for the proposed Strategic Housing Development would not materially contravene a zoning objective of the statutory plans for the area, a grant of permission could materially contravene the Fingal County Development Plan 2017-2023 in relation to development plan Objective DMS75 and the provision of play facilities. The Board considers that, having regard to the provisions of section 37(2) of the Planning and Development Act 2000, as amended, the grant of permission in material contravention of the Fingal County Development Plan 2017-20223 would be justified for the following reasons and considerations.

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

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

In relation to play facilities, regard is had section 4.13 of the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in December 2020.

Conditions

1. The proposed 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 proposed 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 268 no. build to rent units hereby permitted shall operate in accordance with the definition of Build-to-Rent developments as set out in the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (December 2020) and be used for long term rentals only. No portion of this development shall be used for short term lettings.

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

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

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

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

Reason: In the interests of orderly development and clarity.

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

Reason: In the interest of visual amenity.

6. The developer shall provide a piece of public art or sculpture or architectural feature, to be designed in consultation with the planning authority. The piece of art shall have a relationship with the area. The location of the piece of art shall be agreed with the planning authority prior to the commencement of works on site.

Reason: To comply with Objective DMS05 of the Fingal County Development Plan 2017-2023.

7. The boundary planting and areas of communal open space shown on the lodged plans shall be landscaped in accordance with the landscape scheme submitted to An Bord Pleanála with this application, unless otherwise agreed in writing with the planning authority. 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.

8. The management and maintenance of the proposed development following its completion (save for areas that are to be taken in charge) shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of public open spaces, roads 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.

9. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities for each apartment unit shall be submitted to, and agreed in writing with, the planning authority not later than six months from the date of commencement of the development. Thereafter, the waste shall be managed in accordance with the agreed plan.

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

10. 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.

11. 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.

12. The internal noise levels, when measured from bedroom windows of the proposed development, shall not exceed:
 - (a) 35 dB(A) LAeq during the period 0700 to 2300 hours, and
 - (b) 30 dB(A) LAeq at any other time.

A scheme of noise mitigation measures, in order to achieve these levels, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The agreed measures shall be implemented before the proposed dwellings are made available for occupation.

Reason: In the interest of residential amenity.

13. The internal road and vehicular circulation network serving the proposed development, including turning bays, junctions, parking areas, footpaths, kerbs and the lower ground level car park shall be in accordance with the detailed construction standards of the planning authority for such works and design standards outlined in DMURS. The detailed layout of the basement car park shall be as agreed with the planning authority. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

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

14. The Mobility Management Plan submitted with the application shall be implemented by the management company for all units within the development.

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

15. 662 number bicycle parking spaces shall be provided within the site. Details of the layout, marking demarcation and security provisions for these spaces shall be as submitted to An Bord Pleanála with this application, unless otherwise agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure that adequate bicycle parking provision is available to serve the proposed development, in the interest of sustainable transportation.

16. 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.

17. The car parking facilities hereby permitted shall be reserved solely to serve the proposed development. The spaces shall not be utilised for any other purpose, including for use in association with any other uses of the development hereby permitted, unless the subject of a separate grant of planning permission.

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

18. Drainage arrangements including the attenuation and disposal 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.

19. The developer is required to sign a connection agreement with Irish Water prior to any works commencing and connecting to its network. All development is to be carried out in compliance with Irish Water Standards codes and practices.

Reason: In the interest of public health.

20. Construction and demolition waste shall be managed in accordance with a final 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. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

21. The construction of the development shall be managed in accordance with a final 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:

(a) Works to remove trees and structures from the site shall take place outside of bird nesting season;

(b) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;

(c) Location of areas for construction site offices and staff facilities;

(d) Details of site security fencing and hoardings. Hoardings shall include a one square metre area on each road frontage detailing site management contact details;

- (e) Details of on-site car parking facilities for site workers during the course of construction;
- (f) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
- (g) Measures to obviate queuing of construction traffic on the adjoining road network;
- (h) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- (i) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
- (j) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- (k) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- (l) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- (m) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.
- (n) A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.
- (o) A community liaison officer shall be appointed for the duration of the construction works.

Reason: In the interest of amenities, public health and safety.

22. The developer shall implement the following tree protection measures:

- (a) Prior to commencement of development, all trees which are to be retained shall be enclosed within stout fences not less than 1.5 metres in height. This protective fencing shall enclose an area covered by the crown spread of the branches, or at minimum a radius of two metres from the trunk of the tree or the centre of the shrub, and to a distance of two metres on each side of the hedge for its full length and shall be maintained until the development has been completed.

(b) No construction equipment, machinery or materials shall be brought onto the site for the purpose of the development until all the trees which are to be retained have been protected by this fencing. No work shall be carried out within the area enclosed by the fencing and, in particular, there shall be no parking of vehicles, placing of site huts, storage compounds or topsoil heaps, storage of oil, chemicals or other substances, and no lighting of fires, over the root spread of any tree to be retained.

(c) Excavations in preparation for foundations and drainage, shall be carried out under the supervision of a specialist arborist, in a manner that will ensure that all major roots are protected and all branches are retained.

(d) No trench, embankment or pipe run shall be located within three metres of any trees which are to be retained adjacent to the site unless otherwise agreed with the planning authority.

Reason: To protect trees and planting during the construction period in the interest of visual amenity.

23. Site development and building works shall be carried out only between 0700 to 1900 hours Mondays to Fridays inclusive and 0700 to 1300 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.

24. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Any relocation of utility infrastructure shall be agreed with the relevant utility provider. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

25. Prior to the commencement of development, the developer shall submit for the written agreement of the planning authority the details any crane operations and to ensure they do not impact on flight procedures and air safety. The developer shall also contact the Irish Aviation Authority and DAA of intention to commence crane operations with a minimum of 30 days notification of their erection.

Reason: In the interest of residential amenity and aircraft safety.

26. Prior to the commencement of development, the developer shall submit for the written agreement of the planning authority, drawings showing all development works to be taken in charge designed to meet the standards of the Planning Authority.

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

27. 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.

28. 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.

29. 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 protection of the existing sycamore trees at the site that are subject to a Tree Preservation Order, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory retention and protection of the trees. 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 retention of trees at the site that are subject to a Tree Preservation Order.

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

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

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

Dáire McDevitt

Senior Planning Inspector

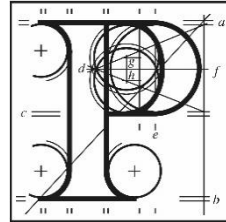
16th March 2023.

Appendix 1. Documentation submitted with the application, in addition to the relevant plans and particulars, included inter alia the following:

- Planning Report
- Statement of Consistency
- Material Contravention Statement
- School Demand Assessment
- EIA Screening
- Childcare Demand Audit
- Social Infrastructure Audit
- Response to An Bord Pleanála
- Build to Rent Market Justification Report
- Build to Rent Operational Management Report
- Lifecycle Report
- Deed of Covenant
- Architectural Design Statement
- Housing Quality Assessment
- Access Statement
- Daylight and Sunlight Assessment Report
- Traffic & Transport Assessment
- Engineering Assessment Report
- DMURS Statement of Consistency
- Flood Risk Assessment
- Car Parking Rationale and Mobility Management Plan
- Construction and Environmental Management Plan
- Archaeological Assessment of a Proposed Strategic Housing Development, Northwood Crescent, Santry Demesne, Dublin 9
- Landscape report
- Landscape and Visual Impact Assessment Report
- LVIA Photomontages.
- Tree Survey and Constraints
- Arboricultural Assessment and Impact Report
- Tree Protection Strategy & Method Statement
- Statement in accordance with Article 299B(1)(b)(ii)(II)(C) of the Planning and Development Regulations 2001-2021
- Dust Management Plan
- Ecological Impact Assessment
- Bat Report
- Northwood Hydrology & Hydrogeology Impact Assessment
- Noise Impact Assessment of Proposed Strategic Housing Development, Northwood Crescent, Santry Demesne, Dublin 9
- Screening for Appropriate Assessment
- Construction and Demolition Waste Management Plan
- Energy and Sustainability Report
- Outdoor Lighting Report Co-ordination Issue
- Transportation Analysis Planning
- Stage 1 Road Safety Audit
- Crane at Northwood Avenue Special Aeronautical Study Ireland

- Wind & Microclimate Report
- Letter of Consent from Northwood Management Company Limited
- Part V Agreement in principle letter
- Site Investigation Report

Appendix 2 EIA Screening Determination Form



An
Bord
Pleanála

EIA - Screening Determination for Strategic Housing Applications

A. CASE DETAILS

An Bord Pleanála Case Reference		ABP-313179-22
Summary		
	Yes / No / N/A	
1. Has an AA screening report or NIS been submitted?	Yes	A Screening for Appropriate Assessment report was submitted with the application
2. Is a IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?	No	

<p>3. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA</p>	<p>Yes</p>	<p>SEA and AA undertaken in respect of the Dublin City Development Plan 2016-2022 and see also Inspectors Report section 11 in relation to Article 299 B(1)(b)(2)(c)</p>
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<p>B. EXAMINATION</p>	<p>Yes/ No/ Uncertain</p>	<p>Briefly describe the nature and extent and Mitigation Measures (where relevant)</p> <p>(having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact)</p> <p>Mitigation measures –Where relevant specify features or measures proposed by the applicant to avoid or prevent a significant effect.</p>	<p>Is this likely to result in significant effects on the environment?</p> <p>Yes/ No/ Uncertain</p>
<p>1. Characteristics of proposed (including demolition, construction, operation, or decommissioning)</p>			
<p>1.1 Is the project significantly different in character or scale to the existing surrounding or environment?</p>	<p>No</p>	<p>The development comprises the construction of 268 BTR apartments, office block and creche on lands where residential/office and childcare is permitted in principle.</p>	<p>No</p>
<p>1.2 Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?</p>	<p>Yes</p>	<p>The proposal includes construction of a BTR residential complex which are not considered to be out of character with the pattern of in the surrounding area.</p>	<p>No</p>

<p>1.3 Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?</p>	<p>Yes</p>	<p>Construction materials will be typical of such urban development . The loss of natural resources as a result of the development of the site are not regarded as significant in nature.</p>	<p>No</p>
<p>1.4 Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?</p>	<p>Yes</p>	<p>Construction activities will require the use of potentially harmful materials, such as fuels and other such substances. Such use will be typical of construction sites. Any impacts would be local and temporary in nature and implementation of a Construction Environmental Management Plan will satisfactorily mitigate potential impacts. No operational impacts in this regard are anticipated.</p>	<p>No</p>
<p>1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?</p>	<p>Yes</p>	<p>Construction activities will require the use of potentially harmful materials, such as fuels and other such substances and give rise to waste for disposal. Such use will be typical of construction sites. Noise and dust emissions during construction are likely. Such construction impacts would be local and temporary in nature and implementation of a Resources and Demolition Waste Management Plan will satisfactorily mitigate potential impacts. Operational waste will be managed via a Waste Management Plan to obviate potential environmental impacts. Other significant operational impacts are not anticipated.</p>	<p>No</p>

<p>1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?</p>	<p>No</p>	<p>Construction activities will require the use of potentially harmful materials, such as fuels and other such substances and give rise to waste for disposal.</p> <p>Such construction impacts would be local and temporary in nature and implementation of a Resources and Demolition Waste Management Plan, Construction Environmental Management Plan will satisfactorily mitigate potential impacts.</p>	<p>No</p>
<p>1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?</p>	<p>Yes</p>	<p>Potential for construction activity to give rise to noise and vibration emissions. Such emissions will be localised, short term in nature and their impacts may be suitably mitigated by the operation of a Construction Environmental Management Plan.</p>	<p>No</p>
<p>1.8 Will there be any risks to human health, for example due to water contamination or air pollution?</p>	<p>No</p>	<p>Construction activity is likely to give rise to dust emissions. Such construction impacts would be temporary and localised in nature and the application of a Construction Environmental Management Plan would satisfactorily address potential impacts on human health.</p> <p>No significant operational impacts are anticipated.</p>	<p>No</p>
<p>1.9 Will there be any risk of major accidents that could affect human health or the environment?</p>	<p>No</p>	<p>No significant risk having regard to the nature and scale of the development. Any risk arising from construction will be localised and temporary in nature.</p> <p>There are no Seveso / COMAH sites in the vicinity of this location.</p>	<p>No</p>

1.10 Will the project affect the social environment (population, employment)	Yes	Development of this site as proposed will result in an increase in residential units (268 apartments) which is considered commensurate with the development of a ME lands in Dublin.	No
1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?	No	Current proposal is a standalone development, with small and medium scale developments in the immediately surrounding area.	Yes
2. Location of proposed			
<p>2.1 Is the proposed located on, in, adjoining or have the potential to impact on any of the following:</p> <ol style="list-style-type: none"> 1. European site (SAC/ SPA/ pSAC/ pSPA) 2. NHA/ pNHA 3. Designated Nature Reserve 4. Designated refuge for flora or fauna 5. Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a plan/ LAP/ draft plan or variation of a plan 	No	<p>There are no conservation sites located in the vicinity of the site. The nearest Natura 2000 sites are:</p> <p>South Dublin Bay SAC North Dublin Bay SAC North Bull Island SPA South Dublin Bay & River Tolka SPA</p> <p>The proposed development will not result in significant impacts to any of these sites. Please refer to the AA Screening in section 12 of this report</p>	No
2.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be affected by the project?	No	Bat Survey carried out and an ecological Impact Assessment submitted. The site is of low local ecological value.	No

2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?	Yes	The site does not contain any protected structures. it is not located within a designated Architectural Conservation Area or an Area of Archaeological Potential.	No
2.4 Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?	No	There are no areas in the immediate vicinity which contain important resources.	No
2.5 Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?	Yes	There are no connections to watercourses in the area. The development will implement SUDS measures to control surface water runoff. The site is located within Flood Zone C. (see also section 10.6 in the Inspectors Report in relation to services and drainage)	No
2.6 Is the location susceptible to subsidence, landslides or erosion?	unknown	No assessment is submitted relating to the potential impact on slope stability along the eastern boundary.	uncertain
2.7 Are there any key transport routes(eg National Primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?	No	The site is served by a local urban road network.	No
2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?	Yes	There are no existing sensitive land uses or substantial community uses which could be affected by the project.	No
3. Any other factors that should be considered which could lead to environmental impacts			
3.1 Cumulative Effects: Could this project together with existing and/or approved result in cumulative effects during the construction/ operation phase?	No	No developments have been identified in the vicinity which would give rise to significant cumulative environmental effects.	No

3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?	No	No trans boundary considerations arise	No
3.3 Are there any other relevant considerations?	No		No

C. CONCLUSION

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

D. MAIN REASONS AND CONSIDERATIONS

Having regard to: -

a) the nature and scale of the proposed development, which is below the threshold in respect of Class 10(i) and (iv) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,

(b) the location of the site on lands zoned ME with an objective *“facilitate opportunities for high-density mixed-use employment generating activity and commercial development and support the provision of an appropriate quantum of residential development within the Metro Economic Corridor.”* and the Strategic Environmental Assessment of the Plan;

(c) The existing use on the site and pattern of development in surrounding area;

(d) The planning history relating to the site

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

(f) the location of the development outside of any sensitive location specified in article 299(C)(1)(v) of the Planning and Development Regulations 2001 (as amended)

(g) The guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage and Local Government (2003),

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

(i) The features and measures proposed by applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the Construction and Demolition Waste Management Plan (CDWMP), , Construction Environmental Management Plan (CEMP),Dust Management Plan (DMP) Site Investigation Report, the Hydrology & Hydrogeology Impact Assessment, Site Investigation Report, Ecological Impact Assessment, Arboricultural Assessment and Impact Report, Wind and Micro Climate Report, Bat Report, the Engineering Assessment Report, Screening for Appropriate Assessment.

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

_____ 16th March 2023

Daire McDevitt
Senior Planning Inspector

Date