



An
Bord
Pleanála

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

Inspector's Report ABP-313209-22

Strategic Housing Development

Demolish building and construct 101
build-to-rent apartments and
associated development

Location

IVM House, 31 and 31a Ravens Rock
Road, Sandyford Business Park,
Dublin 18

Planning Authority

Dun Laoghaire-Rathdown County
Council

Applicant

Ravensbrook Ltd.

Prescribed Bodies

Uisce Éireann
Transport Infrastructure Ireland

Observers

John Conway and the Louth
Environmental Group

Date of Site Inspection

17th April 2023

Inspector

Colm McLoughlin

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1.0 Introduction

- 1.1. This report provides an assessment of a proposed strategic housing development submitted to An Bord Pleanála under the provisions of section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016 (hereinafter referred to as ‘the Act of 2016’).

2.0 Site Location and Description

- 2.1. Situated within the Sandyford business park in the southern suburbs of Dublin city, approximately 7.5km from the city centre, the application site gross area measures approximately 0.31 hectares. It primarily comprises a flat-roof, two-storey, red-brick building containing commercial units 31 and 31a Ravens Rock Road, with car parks and service yards along the roadside boundaries to the north and east. Green verges and footpaths separate the site from the adjoining public roads. The site also includes narrow sections of the public roads bounding the site that are within the control of the Planning Authority. It is situated approximately a 350m walk from the Stillorgan green line Luas stop and 650m to the north of the M50 motorway. The rear of the site is enclosed by a security fence and gates and there are several mature trees on the northern side onto Carmanhall Road. Vehicular access to the site is from Ravens Rock Road and based on the application details there is approximately a 1m gradual fall from the southern boundary to the northern boundary of the site.
- 2.2. The immediate area has been undergoing gradual change in recent years from a light industrial and business estate to a densified mixed-use district. The adjoining properties to the south and west are comprised of commercial buildings similar in scale to those on the application site. More recently developed sites in the immediate area, particularly to the north of Carmanhall Road, feature taller commercial buildings with active uses at ground floor.

3.0 Proposed Strategic Housing Development

- 3.1. The proposed strategic housing development would consist of the following elements:

- demolition and removal of a two-storey office/commercial building (c.717sq.m) and hard surface parking area;
- construction of a build-to-rent residential development, comprising 101 apartments within a part-five, six and 11-storey building over partial basement structure and in a mix of 65 one-bedroom and 36 two-bedroom apartments, each served by balconies;
- provision of resident support facilities, services and amenities space at ground and first-floor levels (511sq.m), external communal amenity spaces at courtyard podium level and at fifth, sixth and tenth-floor roof-terrace levels (734sq.m);
- provision of public open space fronting Carmanhall Road (514sq.m);
- upgraded vehicular access off Ravens Rock Road to an undercroft car park featuring ten car parking spaces and two motorcycle spaces, and provision of 234 cycle parking spaces;
- provision of four 0.3m-diameter microwave link dishes mounted on two steel-support poles and associated equipment affixed to a lift-shaft overrun at tenth-floor, roof level;
- provision of an electricity substation, switchroom and plantroom at ground-floor level, hard and soft landscaped areas, public lighting, attenuation measures, service connections and all ancillary site development works, including public realm upgrades.

3.2. The following tables set out the key standards for the proposed strategic housing development:

Table 1. Stated Development Standards

Site Area (gross / net)	3,109sq.m / 2,223sq.m
No. of units	101
Part V units (%)	62 (10%)
Demolition Gross Floor Area (GFA)	717sq.m
Residential GFA	6,131sq.m
Ancillary residential GFA (% total GFA)	2,632sq.m (30%)
Total GFA	8,763sq.m

Residential Density (net)	454 units per ha
Public Open Space (% of net site area)	514sq.m (17%)
Communal Open Space (% of net site area)	734sq.m (24%)
Plot Ratio (net)	3.9:1

Table 2. Unit Mix

	one-bedroom	two-bedroom	Total
Apartments (%)	65 (64%)	36 (36%)	101

Table 3. Parking Spaces

Car parking – cars	10
Car parking – bicycles	234
Car parking – motorcycles	2

3.3. In addition to the standard contents, the application was accompanied by various technical reports with appendices and drawings, including the following:

- Planning Report and Statement of Consistency;
- Statement of Response to An Bord Pleanála's Opinion;
- Statement of Material Contravention;
- Architectural Design Statement;
- Design, Townscape and Visual Assessment;
- Engineering Services Report;
- Appropriate Assessment Screening;
- Ecological Impact Assessment Report, including Bat Survey;
- Draft Build-to-Rent Covenant;
- Housing Quality Assessment;
- Building Lifecycle Report;
- Materials Report;
- Daylight Impact Report;
- Assessment of Daylight Adequacy (report 2 of 3);
- Assessment of Daylight Adequacy (report 3 of 3);
- Schedule of Areas;
- Build-to-Rent Residential Operational Management Plan;
- Design and Access Statement, Landscape Management and Maintenance Plan;
- Site Specific Flood Risk Assessment;

- Traffic and Transportation Statement;
- DMURS Statement;
- Quality Audit;
- Outline Construction Management Plan (CMP);
- Construction and Demolition Waste Management Plan;
- Residential Travel Plan;
- Operational Waste Management Plan;
- Wind and Microclimate Assessment;
- Part L Planning Report;
- Outline Construction Environmental Management Plan (CEMP);
- Lighting Plan;
- Telecommunications Report;
- Arboricultural Impact Assessment;
- Archaeological Assessment;
- EIA Screening Report;
- Hydrological and Hydrogeological Qualitative Risk Assessment;
- Statement in Accordance with Article 299B(1)(b)(ii)(II)(C) of the Planning and Development Regulations (as amended).

4.0 Planning History

4.1. Application Site

4.1.1. The Planning Authority and the applicant refer to the following planning applications as relating to the subject site:

- Dun Laoghaire-Rathdown County Council (DLRCC) ref. D15A/0449 - in August 2015 the Planning Authority refused to grant retention permission for change of use of unit 31a on the southwest side of the site from office accommodation to a beauty salon with illuminated signage to the ground-floor level, as the use did not have planning permission and as it would materially contravene the 'A2 - sustainable residential neighbourhood' zoning objective for the site;

- DLRCC ref. D15A/0788 - in February 2016 the Planning Authority refused to grant permission for a market to operate in excess of the standard 30-day exemption, as specified in class 37 of Schedule 2 to Part 1 of the Planning and Development Regulations 2001, as revised, (hereinafter 'the Planning Regulations'), as the use did not have planning permission and as the use would materially contravene the 'A2 - sustainable residential neighbourhood' and 'F – open space' zoning objectives for the site.

4.2. Surrounding Area

4.2.1. The closest sites and most recent applications for major housing developments in the surrounding Sandyford business park area include the following:

- An Bord Pleanála (ABP) ref. 314523-22 – in September 2022 a strategic housing development was lodged to the Board seeking permission for 334 build-to-rent apartments in four blocks ranging from five to 16 storeys on the former Avid-technology site approximately 70m to the southeast of the application site, at the junction of Blackthorn Road and Carmanhall Road. I am not aware of a decision on this application to the Board;
- ABP ref. 313338-22 – in April 2022 a strategic housing development was lodged to the Board seeking permission for the demolition of buildings and the construction of 207 build-to-rent apartments and a childcare facility in three blocks ranging from six to ten storeys on the Tack-packaging site opposite the application site to the southeast at the junction of Ravens Rock Road and Carmanhall Road. I am not aware of a decision on this application to the Board;
- ABP ref. 311722-21 – a strategic housing development was granted permission by the Board in March 2022 providing for 190 build-to-rent apartments in two blocks ranging from 14 to 15 storeys on the former Siemen's site, approximately 160m to the north of the application site at the junction of Ballymoss Road and Blackthorn Avenue;
- ABP ref. 310104-21 – in August 2021 a strategic housing development for 428 build-to-rent apartments in blocks ranging from six to 17 storeys on the former Avid-technology site, as referred to above, was refused permission by

the Board due to shortfalls with respect to communal space, residents' amenities and support facilities, bicycle parking, private amenity space, daylight to apartments and the development potential of the adjoining site to the northwest, as well as the failure for the height and density of the development to be justified following material contravention procedures;

- ABP ref. 305940-19 – a strategic housing development was granted permission by the Board in March 2020 providing for the demolition of buildings and the construction of 564 build-to-rent apartments and a childcare facility in six blocks ranging in height from five to 17 storeys on a former Aldi-supermarket site located approximately 130m to the northwest of the application site on Carmanhall Road. This development appears to be under construction at present;
- ABP ref. 304405-19 – a strategic housing development was granted permission by the Board in August 2019 providing for 428 apartments, a childcare facility and four local retail units in two blocks ranging in height from five to 14 storeys on a site known as Rockbrook located approximately 210m to the northwest of the application site on Carmanhall Road.

5.0 Section 5 Pre-application Consultation

5.1. Pre-application Consultation

- 5.1.1. A pre-application consultation meeting between representatives of An Bord Pleanála, the applicant and the Planning Authority took place on the 17th day of September, 2021, in respect of a development comprising 101 build-to-rent apartments and associated site works. Copies of the record of this consultation meeting and the Inspector's report are appended to this file. The main topics raised for discussion at the tripartite meeting were as follows:

- development principle and residential density;
- design, including unit mix, trees' objective, sustainable urban drainage systems (SUDS), cycleway route and public open space;

- development standards, including residents' amenity space, communal space, layouts, lighting, cycle parking and operational management;
- surrounding amenities, including mitigation measures to address overlooking and overshadowing impacts;
- transport, including car parking provision.

5.2. Board Opinion

5.2.1. In the Notice of Pre-Application Consultation Opinion (ABP ref. 310399-21) dated the 25th day of November, 2021, An Bord Pleanála stated that it was of the opinion that the documents submitted constituted a reasonable basis for an application under section 4 of the Act of 2016, and that in addition to the standard strategic housing development application requirements, the following specific information should be submitted with any application for permission arising:

- assessment regarding consistency with the Development Plan, including the draft plan;
- justification for the amenities and support facilities;
- justification for the quantum of car parking;
- sunlight, daylight and overshadowing analysis;
- assessment of the impact on neighbouring sites;
- a housing quality assessment;
- materials and finishes report;
- drainage details;
- additional visualisation material;
- updated reports;
- delineation of open space areas;
- site layout plan with taken-in-charge areas;
- a material contravention statement

- report addressing Articles 299B(1)(b)(ii)(II) and 299B(1)(c) of the Planning Regulations.

5.2.2. The prospective applicant was requested to notify the following prescribed bodies in relation to the application:

- Uisce Éireann;
- Transport Infrastructure Ireland (TII);
- the National Transport Authority;
- Dun Laoghaire-Rathdown County Childcare Committee.

5.3. Applicant's Response to Opinion

5.3.1. The application includes a 'Statement of Response to An Bord Pleanála's Consultation Opinion' with section 2 of this report setting out the specific information that has been submitted with the application to address the opinion. The applicant considers all matters raised in the Board's opinion to be comprehensively addressed in the planning application and they state that all requested bodies were notified of the application.

6.0 Planning Policy

6.1. National Planning Policy

Project Ireland 2040 - National Planning Framework

6.1.1. Project Ireland 2040 links planning and investment in Ireland through the National Planning Framework (NPF) and a ten-year National Development Plan (NDP). The NPF encapsulates the Government's high-level strategic plan for shaping the future growth and development of Ireland to the year 2040. The NPF supports the requirement set out in the Government's strategy for 'Rebuilding Ireland: Action Plan for Housing and Homelessness (2016)', in order to ensure the provision of a social and affordable supply of housing in appropriate locations.

6.1.2. National policy objectives (NPOs) for people, homes and communities are set out under chapter 6 of the NPF. NPO 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 the respective location. NPO 35 provides for increased residential densities in settlement through a range of measures, including increased building heights. Other NPOs of relevance to this application include NPOs 4 (build attractive, liveable, well-designed urban places) and 13 (development standards).

Ministerial Guidelines

6.1.3. In consideration of the nature and scale of the proposed development, the receiving environment and the site context, as well as the documentation on file, including the submissions from the Planning Authority and other parties addressed below, I am satisfied that the directly relevant Section 28 Ministerial Guidelines comprise:

- Department of Housing, Local Government and Heritage Circular NRUP 07/2022 dated the 21st day of December 2022;
- Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2020);
- Design Manual for Urban Roads and Streets (DMURS) (2019);
- Urban Development and Building Heights, Guidelines for Planning Authorities (2018);
- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, including the associated Urban Design Manual (2009);
- The Planning System and Flood Risk Management - Guidelines for Planning Authorities, including the associated Technical Appendices (2009);
- Childcare Facilities – Guidelines for Planning Authorities (2001).

6.1.4. Although not an exhaustive list, the following planning guidance and strategy documents are also considered relevant:

- Climate Action Plan (2023);
- Transport Strategy for the Greater Dublin Area 2022-2042;
- Places for People – National Policy on Architecture (2022);
- Housing for All – A New Housing Plan for Ireland (2021);
- Water Services – Guidelines for Planning Authorities - Draft 2018;

- Part V of the Planning and Development Act 2000 - Guidelines (2017);
- National Biodiversity Action Plan 2017-2021;
- Road Safety Audits (TII, 2017);
- Rebuilding Ireland - Action Plan for Housing and Homelessness (2016);
- Traffic and Transport Assessment Guidelines (TII, 2014);
- Building Research Establishment (BRE) 209 Guide - Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice, (Paul J. Littlefair, 2nd Edition 2011);
- National Cycle Manual (2011);
- Appropriate Assessment of Plans and Projects in Ireland - Guidance for Planning Authorities (2009);
- Smarter Travel – A Sustainable Transport Future. A New Transport Policy for Ireland 2009 – 2020 (Department of Transport, 2009);
- British Standard (BS) 8206-2: 2008 – ‘Lighting for Buildings – Part 2: Code of Practice for Daylighting (2008);
- Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development (2003);
- Greater Dublin Regional Code of Practice for Drainage Works (Version 6.0);
- Framework and Principles for the Protection of the Archaeological Heritage issued by the Department of Arts, Heritage, Gaeltacht and the Islands (1999).

6.2. Regional Planning Policy

- 6.2.1. The ‘Eastern and Midland Regional Assembly Regional Spatial and Economic Strategy (RSES) 2019-2031’ supports the implementation of Project Ireland 2040 and the economic and climate policies of the Government, by providing a long-term strategic planning and economic framework for the region.
- 6.2.2. Sandyford business park is situated in the Dublin metropolitan area, as defined in the RSES for the eastern and midland regional authority (EMRA) area, where it is intended to deliver sustainable growth through the Dublin Metropolitan Area

Strategic Plan (MASP) to ensure a steady supply of serviced development land. Key principles of the MASP include compact sustainable growth, as well as accelerated housing delivery and integrated transport. Sandyford is identified in the RSES as an emerging mixed-use district alongside Swords and Lissenhall in north County Dublin, and other areas within Dun Laoghaire-Rathdown, all forming part of the Metrolink / Luas greenline corridor, which is considered in the RSES to have a short to long-term capacity for between 28,000 to 71,000 additional homes. Short to medium-term strategic development of this area is dependent on the phasing of enabling infrastructure, which the RSES refers to as comprising LUAS green line, public transport and roads upgrades. The following regional policy objectives (RPOs) of the RSES are considered relevant to this application:

- RPO 3.2 – in promoting compact urban growth, a target of at least 50% of all new homes should be built within or contiguous to the existing built-up area of Dublin city and its suburbs, while a target of at least 30% is required for other urban areas;
- RPO 3.3 – core strategies to provide for increased densities;
- RPO 5.4 – future development of strategic residential development areas within the Dublin Metropolitan area shall provide for higher densities and meet qualitative standards.

6.3. Local Planning Policy

Dun Laoghaire-Rathdown County Development Plan 2022-2028

- 6.3.1. Sandyford business park is identified in the Development Plan as a strategic employment location with significant opportunity for the redevelopment and intensification of its brownfield lands. The application site and the adjoining lands to the west and south have a land-use zoning objective 'A2' within the Development Plan 'to provide for the creation of sustainable residential neighbourhoods and preserve and protect residential amenity'. A strip of the site adjoining Carmanhall Road features a land-use zoning objective F 'to preserve and provide for open space with ancillary active recreational amenities'.
- 6.3.2. Section 4.3 of the Development Plan refers to policy objectives relating to 'Homes' and section 12.3.6 sets out development standards for build-to-rent accommodation.

There is an objective identified in the Development Plan to protect and preserve trees and woodlands in the northeast corner of the application site. The site is not identified in the Development Plan as being within an area at risk of flooding. It is within the area subject to the terms of the Luas line B1 extension supplementary development contribution scheme.

- 6.3.3. The site is within the area covered by the Sandyford Urban Framework Plan, which is appended to the Development Plan. Specific standards relating to the application site are set out within the Sandyford Urban Framework Plan, including density, building height, design principles, infrastructure, support services, amenities, parking and phasing. All proposals within the Sandyford Urban Framework Plan area are required to refer to the objectives set out in Appendix 16 of the Development Plan with respect to the 'Sustainable Neighbourhood Infrastructure' zoning (including section 2.3.6 of the Framework Plan).

7.0 Statement of Consistency

- 7.1. The applicant has submitted a Statement of Consistency, as per the provisions of Section 8(1)(iv)(I) of the Act of 2016. Section 4 of this Statement refers to the provisions of 'Project Ireland 2040', 'Housing for All, A New Housing Plan for Ireland', 'Rebuilding Ireland', the 'Transport Strategy for the Greater Dublin Area 2016-2035' and the RSES for the EMRA. Section 5 of the statement refers to the Birds and Habitat Directive and Ministerial guidelines, including those referenced in section 6.1 above. Section 6 of the Statement addresses local planning policy comprising the Dun Laoghaire-Rathdown Development Plan 2016-2022 and the Dun Laoghaire-Rathdown County Development Plan 2022-2028, including the appended Sandyford Urban Framework Plan. The Statement asserts that the proposed development would be consistent with national and regional planning policy, as well as the policies and provisions of the Development Plan and the appended Framework Plan.

8.0 Material Contravention Statement

- 8.1. The applicant has submitted a Material Contravention Statement, as provided for under Section 8(1)(iv)(II) of the Act of 2016. The applicant states that this Statement is submitted with the application in the event that An Bord Pleanála consider the

proposed development to materially contravene specific objectives of the Dun Laoghaire-Rathdown Development Plan 2016-2022, including the associated Sandyford Urban Framework Plan, with respect to proposed building height, development density, car parking provision, childcare provision and apartment standards (unit mix, unit size, storage, private amenity space, dual aspect and policy RES7 referring to housing variety).

8.2. Within this statement the applicant sets out their rationale to justify granting permission, including:

- the density and building heights being appropriate based on strategic and regional planning policy and the provisions of the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2020) (hereinafter the 'New Apartment Guidelines'), the provisions of the Urban Development and Building Heights, Guidelines for Planning Authorities (2018) (hereinafter the 'Building Heights Guidelines'), and the pattern of existing and permitted developments in the vicinity;
- a childcare facility would not be required on site based on strategic and regional planning policy, the provisions of the Childcare Facilities Guidelines for Planning Authorities (2001) and the New Apartment Guidelines;
- the quantum of car parking would be appropriate based on strategic and regional planning policy, the site context and the provisions of the New Apartment Guidelines;
- the proposed unit mix, unit variety, unit size, storage, private amenity space and dual aspect would be appropriate based on the standards in the New Apartment Guidelines;
- the open space provision would be appropriate based on the conflicting standards in the Development Plan and the provisions of the New Apartment Guidelines and the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (hereinafter 'the Sustainable Residential Development Guidelines').

8.3. The applicant states that this Statement is also submitted with the application in the event that An Bord Pleanála consider the proposed development to materially

contravene specific objectives of Dun Laoghaire-Rathdown County Development Plan 2022-2028, including the appended Sandyford Urban Framework Plan, which were in draft format at the time of lodging the application. The applicant's Material Contravention Statement addresses matters with respect to proposed building height and development density, the proposed provision of three-bedroom units for a build-to-rent development, phasing policies and objectives, as well as standards addressing dual aspect, external storage, build-to-rent accommodation, car parking and roof gardens. Within this statement the applicant sets out their rationale to justify granting permission, including similar rationale to that set out above with respect to building height, development density, unit mix, dual aspect, external storage and accommodation standards. Further justification is also provided by the applicant in stating that:

- the proposed car parking would be appropriate based on the objectives of the Sandyford Urban Framework Plan and the standards in the New Apartment Guidelines;
- the proposed roof gardens would be appropriate based on the provisions of the New Apartment Guidelines;
- the proposed development would be appropriate based on the conflicting objectives of the Sandyford Urban Framework Plan with regard to the phasing of a district civic park at the junction of Corrigan Road and Carmanhall Road.

8.4. In conclusion, the applicant asserts that the Board may grant permission for this strategic housing development having regard to the provisions under subsection 37(2)(b) of the Planning and Development Act 2000, as amended (hereinafter 'the Act of 2000').

9.0 Observers' Submissions

9.1. One submission was received within the statutory period, and this was submitted by two parties whose address is given as a location approximately 80km to the north of the site in Dundalk, County Louth. The issues raised in this submission requesting that the Board refuse permission for the proposed development, can be summarised as follows:

Section 28 Guidelines

- the Building Heights Guidelines and the New Apartment Guidelines, including their respective specific planning policy requirements (SPPRs), are unconstitutional, and the Board should refuse to consider and cannot grant permission for the proposed development if relying on these Guidelines;
- the density, housing mix, public open space, car parking, childcare provision, architectural conservation area (ACA), building height and the visual impact of the proposed development would materially contravene the provisions of the Development Plan, the Local Area Plan, the Masterplan and the Urban Design Framework, and cannot be justified under section 37(2) of the Act of 2000 or section 28 guidelines;
- the proposed development and documentation submitted does not comply with the provisions of the Building Heights Guidelines, including SPPRs 1, 2 and 3, and is not in compliance with BRE Guidelines;
- the proposed development is not of strategic or national importance;
- the application, including documentation, does not comply with planning regulatory requirements, including the EIA Directive;
- the application fails to prove that the subject proposed development would be sufficiently served with respect to public transport, drainage, water services and flood risk;
- if the proposed development is considered to not comply with objectives of the Development Plan or the Local Area Plan, it would be in unlawful breach of the Strategic Environmental Assessment (SEA) Directive;

Screening for Environmental Impact Assessment (EIA)

- even though the proposed development is subthreshold for the purposes of EIA, it should be subject of EIA;
- the application, including the Ecological Report, do not permit an assessment of the potential environmental impacts of the proposed development;
- the application, including the planning report, is contrary to planning legislation;

- insufficient and inadequate information is included with the application regarding the risk to human health, pollution, construction phase impacts, collision-risk for birds and bats, and the general impact on biodiversity and human health arising from the proposed development;
- certain matters should not be left over for agreement following the decision or determination with the assigned development contractor, due to concerns regarding public participation, which would be contrary to the requirements of the EIA Directive;
- the Board lacks the expertise or access to same in order to examine the EIA Screening Report;
- the EIA Screening Report submitted does not comply with statutory requirements and is inadequate, as it fails to assess the impact of the increased population on local services and as it is not based on a complete development description, omitting details of the construction phase;
- the EIAR submitted fails to provide a comprehensive cumulative impact assessment of the proposed development, including other strategic housing developments;

Screening for Appropriate Assessment (AA)

- the information submitted by the applicant contains lacunae and is not based on appropriate scientific expertise, and the AA Screening Report does not have sufficient or adequate information for a complete AA screening to be carried out;
- there is an absence of reasoning provided in the AA Screening Report with reference to scientific information in arriving at the conclusions and statements made;
- the AA Screening is flawed as it fails to account for the construction phase aspect of the proposed development;
- insufficient surveys have been carried out for the AA screening, including those with respect to bird collision/flight risks, and the impacts to protected bird species have not been identified and considered in the AA Screening Report;

- the AA Screening Report submitted has regard to mitigation measures and has no regard or inadequate regard for the in-combination impacts of the proposed development on protected sites, including other developments;
- reliance on Ringsend Wastewater Treatment Plan (WWTP) is flawed;
- mitigation measures cannot be relied on with respect to north Dublin Bay Special Area of Conservation (SAC) and North Bull Island Special Protection Area (SPA);

Build-to-Rent

- the scheme should not be permitted having regard to the draft Dublin City Development Plan 2022-2028 build-to-rent development standards and an oversaturation of build-to-rent developments in Dublin.

10.0 Planning Authority Submission

10.1. In accordance with the provisions set out under subsection 8(5) of the Act of 2016, the Planning Authority submitted the report of its Chief Executive Officer in relation to the proposal, summarising the prescribed bodies and observers' submissions, and providing planning and technical assessments of the proposed development. The views of the Chief Executive Officer of the Planning Authority can be summarised as follows:

Principle, Zoning and Phasing

- the development is compatible with the zoning objectives;
- policy objective PHP28 does not support proliferation of build-to-rent developments in any one area, which refers to a ten-minute walk or cycle from the site;
- the proposed mix is considered to assist in achieving an appropriate mix of housing in the area;
- the proposed use of the site for a build-to-rent development is generally acceptable in principle and it would not result in a proliferation of such developments in the area;

- the 1,500-unit cap referenced in policy P7 of the Sandyford Urban Framework Plan is nowhere near reached;
- a 10% Part V agreement is acceptable, but may need reviewing given the Government's intention to phase out long-term leasing of social housing;
- the scheme deviates from the plan-led approach for the area, undermining the design principles and character of the area, as set out in section 3.5.4 of the Sandyford Urban Framework Plan;
- concerns regarding the character of the area, layout, public realm and car parking could be overcome via planning conditions;

Density

- based on the Sustainable Residential Development Guidelines, a minimum net density of 50 dwellings per hectare would be appropriate and based on the New Apartment Guidelines, a minimum net density of 45 dwellings per hectare would be appropriate, while the Sandyford Urban Framework Plan sets a residential density cap of 70 units per hectare for the subject site;
- based on the potential for 644 units to arise from neighbouring applications proposals (ABP refs. 313338-22 and 312265-22) and the subject proposed development, the Sandyford Urban Framework Plan does not provide for development of this scale and the cumulative proposals could be considered inconsistent with the approach set out in the Sandyford Urban Framework Plan;
- despite being higher than the density provided for in the Sandyford Urban Framework Plan, the removal of six floors resulting in a reduction of 43 apartments to generate a density of 215 units per hectare would be more appropriate, having regard to the nature of the tenure, the unit mix and the site context;

Building Heights, Urban Design and Visual Impact

- the proposed 11-storey building heights would exceed the three to five-storey requirements of the Sandyford Urban Framework Plan and when assessing the proposals against the building height strategy performance criteria in the

Development Plan, it is considered that the development would fail to integrate into or enhance the public realm;

- the proposed building heights along the Ravens Rock Road streetscape and the adjoining landholdings would be overbearing and would impact on lighting, therefore, it is recommended that six floors should be omitted and if this is not undertaken the setback along the eastern side with Ravens Rock Road should be increased to more than 2m with the resulting area landscaped as communal space;
- the quantum and bulk of development proposed would not accord with the overall built form objectives of the Sandyford Urban Framework Plan, which envisages an 'inner softer centre' to this residential neighbourhood;
- the proposal would be visually obtrusive in the wider context, having regard to the Sandyford Urban Framework Plan, which stipulates design guidance for the built form of the site to be up to five storeys;
- provision of own-door access to units and residents' support facilities are welcomed in activating the streetscape;
- the development would create a sense of enclosure and make a positive contribution along Carmanhall Road with public realm upgrades, trees maintained and an enhanced urban grain;
- the proposed buff brick and metal cladding materials would be of high quality and would require minimal ongoing maintenance;
- the façades design would be broken down by the introduction of vertical elements to avoid slab block effects;
- the maintaining of trees is welcomed, including details taking account of the existing tree roots, as well as the removal of some trees and hedgerows;
- the proposed telecommunications and associated equipment, including their design and location, would not be of concern, but this aspect may not be required if a reduction in building heights is provided for in the permission and, accordingly, the equipment should be required to be omitted by way of a planning condition;

Residential Development Standards

- following a draft Ministerial Direction, the Planning Authority was requested to delete certain provisions in the Development Plan, including the first paragraph of section 12.3.3 referring to a percentage of three-bedroom units needing to apply to build-to-rent developments;
- the overall mix of the units proposed would generally be acceptable based on the New Apartment Guidelines;
- the aspect of the units, the apartment floor areas, floor to ceiling heights, lift and stair core access, internal and external storage spaces and private amenity spaces meet or exceed the New Apartment Guidelines;
- daylight access results are noted and are considered acceptable;
- given the limited separation distance between residential units in cores A and B the secondary living room windows serving units A02.2, A03.2, A04.2, A05.2, A06.2, A07.2, A08.2 and A09.2 should be fitted with opaque glazing;
- privacy for the private amenity space serving the ground-floor own-door units B00.3 and B00.2 could be addressed via increased setbacks or additional landscaping;
- the provision of 5sq.m per unit of resident supports facilities and services would be compliant with section 12.3.6 of the Development Plan;
- the development would require 330sq.m of public open space with 514sq.m provided for in a usable environment along the north of the site;
- the development would require 577sq.m of communal open space with 734sq.m provided at courtyard level and across three roof gardens in compliance with Development Plan standards and the New Apartment Guidelines;
- a condition should be attached for the development management company to monitor and manage the use of the roof gardens, to mitigate against any noise complaints;
- the results of the Wind and Microclimate Modelling Report are welcomed and the wind velocities to balconies would not be of concern;

- the details of the play equipment proposed for the two play areas should be submitted;
- a revised boundary for the tenth-floor play area should be provided for child safety reasons;
- revised landscaping with play areas should be provided should the Board consider removal of the six intermediary floors;
- a childcare facility would not be necessary as part of the proposed development;
- the applicant has demonstrated regard for the relative energy cost and expected embodied carbon emissions over the lifetime of the development;
- loss of support amenities via the reduced building height would be satisfactory given the reduced number of units that would remain;

Neighbouring Amenities

- opaque glazing along the southern and western elevations would prevent overlooking towards adjacent properties and an unreasonable level of overlooking would not arise;
- sunlight and skylight would not be a problem for existing commercial buildings surrounding the site and a neighbouring recreation area;
- lighting achievable to the west and south is welcomed, although there is some concern regarding lighting to a portion of the site to the south and an amenity space along Carmanhall Road, which would have observable improvements in lighting if building heights complied with the Sandyford Urban Framework Plan;

Access, Traffic and Parking

- the set down space location needs to be reviewed as it is not located outside the undercroft area and it would obstruct the entrance to the cycle store;
- a section 48(2)(c) special contribution condition would not be necessary for the works along the public road/realm, but supplementary section 49 development contributions would apply;

- minor adjustments may be required with respect to the Sandyford cycle improvement scheme along Carmanhall Road, which was subject of a Part 8 application;
- a maximum parking requirement for 68 car spaces would arise in this location based on Development Plan provisions for the Framework Plan area, with the proposed car parking provision acceptable based on the access available to public transport and the suggested building height reduction, and subject to confirmation of car-club parking, mobility and electric-vehicle charging spaces;
- the provision of cycle parking exceeds the 121 spaces and 187 spaces respectively required in the Council's 'Standards for Cycle Parking and Associated Cycling Facilities for New Developments' and the New Apartment Guidelines, although concerns arise with respect to the design and location of these spaces, including the short-stay cycle parking spaces in the proposed public open space areas;
- a condition with respect to taking-in-charge areas should be attached, with the open space area to allow for continual access by the public;

Other Matters

- services and flood risk are addressed in the Planning Authority's Drainage Report;
- there would be no impact on air navigation, as well as bird or bat-sensitive areas;
- the findings of no archaeological impacts are noted;
- ecological impact assessment recommendations should be implemented in full;
- the Board is the competent authority for AA and ecological impact assessment.

Conclusion, Recommendation and Statement

10.1.1. The Chief Executive Officer from the Planning Authority concludes that permission should be granted for the proposed strategic housing development, subject to 47 conditions, the following of which are of particular note:

Condition 5 – the 3rd, 4th, 5th, 7th, 8th and 9th floors shall be omitted in their entirety. The maximum permitted height of the apartment block shall be five floors. Opaque glazing shall be provided to units A02.2 and A06.2 and the microwave link dishes shall be omitted;

Condition 6 – screening measures to be provided at ground floor;

Condition 7 – barriers to roof terraces;

Condition 16 – green-roof provisions;

Condition 22 – submit a stormwater audit;

Condition 24 – provide a bond for works along Carmanhall Road;

Condition 28 – submit visitor cycle parking locations, design and access details;

Condition 31 – submit a quality audit;

Condition 37 – ensure development does not conflict with Sandyford cycle improvement scheme;

Condition 40 – submit details of play area.

10.2. Inter-Departmental Reports

- Drainage Report – generally satisfied with the proposals, including the conclusion of the submitted flood risk assessment, subject to conditions with respect to surface water outflow drainage rates, green roofs, water butts, construction management, attenuation proposals, SUDS measures and maintenance, flow-control devices, as well as stage 2 and 3 stormwater audits;
- Parks and Green Infrastructure Division – refusal of planning permission recommended as an increased area would be required to be taken in charge, the potential impacts on tree root protection areas, mitigation proposals for tree protection, the loss of sunlight to trees and the absence of details for the construction compound area;
- Transportation Department – information requested with respect to a financial bond, service access and set down, taking in charge, car parking, cycle

parking, electric-vehicle charging, the need to undertake audits, the management of car parking and construction traffic management;

- Housing Department – submission noted, and recommendations stated;
- Environmental Health Officer – further information is required with respect to the Construction and Demolition Waste Management Plan, the Outline CEMP, dust minimisation, construction hours and a waste management plan.

10.3. Elected Members

10.3.1. The proposed development was presented to the Elected Members from the Planning Authority. In accordance with subsection 5(a)(iii) of the Act of 2016, the comments of the Elected Members at that meeting have been outlined as part of the Chief Executive Officer's Report and these can be summarised as follows:

- the location supports the density proposed, which would reduce housing need in the area;
- the quantity of open space, playground, location in the business and employment district, access to public transport and the provision of car parking, including access to off-site parking and car-share facilities, is to be welcomed;
- concerns raised regarding the roof gardens and wind impacts, visitor car parking and the absence of a childcare facility;
- the mix would not accord with the Development Plan;
- construction traffic should be prohibited from parking along Carmanhall Road as this will accommodate a cycle lane.

11.0 Prescribed Bodies

11.1. The following comments were received from prescribed bodies:

Uisce Éireann

- wastewater – is feasible without an infrastructure upgrade. At present, there is capacity in the network on Arkle Road to accommodate the proposed

development. If the connection cannot be made to this network, then upgrades would be required;

- water supply – is feasible without an infrastructure upgrade;
- the developer would be responsible for the design and construction of infrastructure within the site;
- conditions are recommended, including those relating to connections and agreements, and compliance with Uisce Éireann's standards, codes, and practices.

TII

- a condition of the grant should include for contributions to the Section 49 Levy Scheme for the Light Rail (Extension of LUAS Line B1 - Sandyford to Cherrywood).

11.1.1. In addition to the above prescribed bodies, the applicant states that they notified the National Transport Authority and Dun-Laoghaire-Rathdown County Childcare Committee. An Bord Pleanála did not receive a response from these bodies within the prescribed period.

12.0 Assessment

12.1. Introduction

12.1.1. This assessment considers the proposed development in the context of the statutory plan for the area, as well as national policy, regional policy and relevant guidelines, including section 28 guidelines. Having regard to the documentation on file, including the application submitted, the contents of the Chief Executive Officer's report received from the Planning Authority, issues raised in the observations to the application, the planning and environmental context for the site, and my visit to the site and its environs, I am satisfied that the substantive planning issues arising for this assessment can be addressed under the following headings:

- Development Principles;
- Density and Unit Numbers;

- Urban Design and Building Height;
- Visual Impact Assessment;
- Impacts on Neighbouring Amenities;
- Residential Amenities and Development Standards;
- Traffic and Transportation;
- Services and Drainage;
- Natural and Built Heritage;
- Procedural Matters;
- Material Contraventions.

12.1.2. From the outset I note that the applicant lodged the subject application to An Bord Pleanála on the 4th day of April, 2022, prior to the formal adoption of the Dun Laoghaire-Rathdown County Development Plan 2022-2028 on the 21st day of April, 2022. The five-week public consultation period in which responses could be received regarding the application would have allowed all parties to make submissions based on the provisions of the current statutory plan for this area. The observers refer to a Local Area Plan and a Masterplan, but I am not aware of any such plans relating to the application site or its immediate area.

12.2. **Development Principles**

Strategic Housing Definition

12.2.1. The proposed buildings would comprise a stated 8,763sq.m of residential and ancillary residential floor space with non-residential floor space not proposed. It is also proposed to demolish 717sq.m of existing commercial / office floor space as part of the proposed development, and this would not form functional floor space in the new development. Accordingly, I am satisfied that the 4,500sq.m or 15% overall floor area limitations for non-residential uses, as set out in section 3 of the Act of 2016, would not be exceeded as part of the proposed development, and I am satisfied that the proposed development featuring 101 build-to-rent residential units would come within the statutory definition of a 'strategic housing development'.

Land-Use Zoning Objectives

- 12.2.2. The site is within the area covered by the Sandyford Urban Framework Plan, which is appended to the Dun Laoghaire-Rathdown County Development Plan 2022-2028 and as such form part of the statutory plan for the subject site area. Specific development standards with regards to the application site and aspects of the subject proposals are included in the Framework Plan and considered in the various sections below.
- 12.2.3. Based on map sheet 6 appended to the Development Plan, the area of the application site proposed to be developed for the build-to-rent accommodation, features a land-use zoning 'A2' with a stated objective 'to provide for the creation of sustainable residential neighbourhoods and preserve and protect residential amenity'. The northern boundary of the site along Carmanhall Road, which would not be subject of building works, features a land-use zoning 'F' with an objective 'to preserve and provide for open space with ancillary active recreational amenities'.
- 12.2.4. The Planning Authority consider the application proposals to be acceptable having regard to the zoning objectives for the site. According to the Development Plan, open for consideration uses on lands with a zoning objective 'A2' includes a 'residential – build to rent' use, while open space is permitted in principle on lands with a zoning objective 'F'. An open for consideration use may be permitted where the Planning Authority is satisfied that the proposed development would be compatible with the overall policies and objectives for the zone, where it would not have undesirable effects, and where it would otherwise be consistent with the proper planning and sustainable development of the area. Provision of built-to-rent apartments replacing existing commercial buildings, on a site that is a substantive distance from existing residential accommodation, in my opinion would aid in enabling the creation of a sustainable residential neighbourhood in this area in compliance with the 'A2' land-use zoning objective. Accordingly, I am satisfied that the proposed uses would comply with the land-use zoning objectives for the site.
- 12.2.5. The maps accompanying the Development Plan also identify an objective 'to protect and preserve trees and woodlands' in the northeast corner of the application site and I consider the proposals with respect to this objective in section 12.10 below.

Demolition Works

- 12.2.6. Details of the building on site to be demolished are included in the application package (drawing nos. RR-HJL-00-ZZ-DR-A-0010 and 0011). The observers and the Planning Authority do not object to the demolition of this building. The Development Plan sets out that where an existing building cannot be incorporated into a new layout and the development facilitates a significant increase in density, its demolition may be acceptable. I note that the proposed development would incorporate a significant increase in the development density for the site, the scale of which would only be achievable with the removal of the existing building. I also note that the existing building on site is not a Protected Structure and it does not have any conservation status. In conclusion, in providing for sustainable redevelopment of the site, removal of the building would not be contrary to the provisions of the Development Plan. A Construction and Demolition Waste Management Plan has been submitted with the application and a standard condition can be attached in the event of a grant of permission for the proposed development to require a final Construction and Demolition Waste Management Plan to be submitted and agreed prior to the commencement of any of the subject demolition works on site, and based on the provisions of the Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects' (Environmental Protection Agency, 2021).

Build-to-Rent

- 12.2.7. The observers state that the scheme should not be permitted having regard to the build-to-rent development standards contained in the draft Dublin City Development Plan 2022-2028, as well as the oversaturation of build-to-rent developments in Dublin. As noted above, the operative Development Plan for this area is the Dun Laoghaire-Rathdown County Development Plan 2022-2028, which describes build-to-rent development as the practice of delivering purpose-built, residential-rental accommodation and associated amenity space that is designed with the sole purpose of being used as long-term rental accommodation, as well as being professionally owned and managed by an institutional landlord.
- 12.2.8. Policy objective PHP28 of the Development Plan aims to facilitate the provision of build-to-rent developments in suitable locations across the County based on the

provisions of New Apartment Guidelines, while avoiding a proliferation of such developments in any one area. In their submission the Planning Authority assert that reference in this policy objective to 'any one area' refers to a ten-minute walk or cycle from the site. The applicant's Residential Travel Plan includes an illustration of a ten-minute walk time from the application site, encompassing the area of Sandyford business park that is generally the subject of the Sandyford Urban Framework Plan, which I consider a reasonable interpretation of the 'area' immediate to the application site. In my opinion, map images within the Residential Travel Plan submitted with the application showing a ten-minute cycle from the application site, encompass an overly extensive area beyond the immediate environs of the site. Consequently, I would be hesitant to use the ten-minute cycle time in reference to 'any one area'. The Development Plan also requires build-to-rent development to be located within a ten-minute walk time from high-frequency public transport routes, which I conclude to be the case for the subject site when considering 'density' issues further below.

- 12.2.9. The update of the New Apartment Guidelines dating from December 2022 no longer recognises build-to-rent schemes as a distinct category in relation to amenity standards, although section 5.7 of these Guidelines acknowledges the role of build-to-rent schemes in housing supply and promoting compact urban form. Notwithstanding this, in conjunction with the updated Guidelines, the Department of Housing, Local Government and Heritage released Circular NRUP 07/2022 confirming that transitional arrangements would apply to applications for build-to-rent apartment developments that were in the system when the updated New Apartment Guidelines came into effect. This would apply to the subject application, therefore, the standards set out under SPPRs 7 and 8 of the New Apartment Guidelines dating from 2020 are applicable and it is these standards that the Board must have regard to when decided upon the subject application. I am satisfied that the principle of the application in providing build-to-rent apartments on this site would not be contrary to Government guidance. The applicant has submitted a draft covenant or legal agreement with their application, in compliance with the provisions of SPPR 7(a) of the New Apartment Guidelines and a finalised covenant or legal agreement can be requested as a condition in the event of a grant of planning permission for the proposed development.

12.2.10. When reviewing the proposed development against policy objective PHP28, based on the extent of existing and permitted build-to-rent apartments in this area, the Planning Authority did not consider that it would result in a proliferation of such developments in the immediate area. The Planning Authority refer to two permitted developments in the immediate area, one of which (ABP ref. 311540-21) does not refer to a build-to-rent scheme. Consequently, the Planning Authority only refers to 564 permitted build-to-rent apartments in this area (ABP ref. 305940-19). I am aware of one other permitted build-to-rent development in the area (ABP ref. 311722-21) providing for 190 build-to-rent apartments, while there are other applications in the system (ABP refs. 313338-22 and 314523-22) potentially providing for an additional 541 build-to-rent apartments in this area. When considering the specificity of the aforementioned Department Circular ending provisions for build-to-rent developments, given the present permitted stock of build-to-rent apartments in the immediate area, as well as the potential additional units in this subject application, providing for a potential total of 855 build-to-rent units, and considering the extent of housing units achievable in this area, as well as existing standard apartment types in this area, I am satisfied that the scale of build-to-rent apartments on this site would not result in a proliferation or an oversaturation of such schemes in the area immediate to the application site. Accordingly, the proposed development would assist in providing for a suitable mix of housing in this area. Accordingly, permission for the proposed development should not be refused for reasons relating to policy objective PHP28 of the Development Plan.

Phasing

12.2.11. The Development Plan does not specifically set out phasing requirements for the development of these lands. Sandyford Urban Framework Plan includes seven phasing objectives, five of which relate to commercial development or lands not subject of this application, and one of which relates to the need for developments to be confirmed to be feasible by Uisce Éireann, a matter that I address further below in section 12.9 of this report. Phasing objective 7 of the Sandyford Urban Framework Plan aims to ensure the orderly development of the area, stating that no additional apartment development will be permitted that exceeds 1,500 units (cumulative total) until there is planning permission for the Sandyford Business District Civic Park at the corner of Corrig Road and Carmanhall Road. Such an imposition for the subject

applicant would be dependent on others, as the applicant does not own the land at this neighbouring corner site. Notwithstanding this, when making their submission in May 2022, the Planning Authority did not consider this 1,500-unit cap to have been reached, primarily as the Sandyford Urban Framework Plan had only been adopted in the previous month.

12.2.12. I have reviewed the Council's Planning Register and I am not aware of a planning application for the Sandyford Business District Civic Park. Furthermore, I am not aware of any recent planning permissions granted for large-scale residential development in the Sandyford Urban Framework Plan area, as the permissions referenced in section 4 of my report and by the Planning Authority were not permitted in the interim period after the adoption of the Sandyford Urban Framework Plan as part of the Development Plan. Consequently, the proposed development would not appear to conflict with the phasing objectives of the Sandyford Urban Framework Plan. The applicant addresses the potential for the development to be considered to materially contravene the phasing objectives of the Framework Plan, as they were unclear as to how the 1,500 units was being calculated. Based on the assessment above and input from the Planning Authority, I am satisfied that there is sufficient clarity on this matter and a material contravention of the Development Plan phasing provisions could not reasonably be concluded to arise in this case.

Social Housing

12.2.13. Given the number of units proposed and the size of the site, the applicant is required to comply with the provisions of Part V of the Act of 2000, which aims to ensure an adequate supply of housing for all sectors of the existing and future population. Part V Guidelines require a planning application to be accompanied by detailed proposals to comply with Part V housing requirements, and the Housing Department within the respective Local Authority should be notified of the application.

12.2.14. Appendix 2 to the Development Plan comprises the Council's Housing Strategy and Housing Need Demand Assessment, which requires 20% of new residential developments to be made available for social housing. Part V of the Act of 2000 was amended by the Affordable Housing Act 2021, inter alia, amending provisions with respect to the Part V percentage housing allocation in a development, dependent on the date of purchase of the respective site. The application includes correspondence

from the Housing Department of Dun Laoghaire-Rathdown County Council, as well as correspondence from a legal company asserting that ownership of the site was transferred to the applicant during the period when a 10% Part V requirement would apply based on the revisions to the Act of 2000. The applicant sets out that 10% of the units within the scheme would be leased over a long-term period to meet the Part V housing requirement. This would be complied with via the leasing of ten units in a mix of six one-bedroom and four two-bedroom units. The Planning Authority acknowledge the details submitted, noting the Government's proposals to phase out long-term leasing of social housing, while requiring a final Part V agreement to be entered into as a condition in the event of permission being granted.

- 12.2.15. Should the Board decide to grant permission for the proposed development, I am satisfied that Part V requirements, including the proportion of units to be allocated, are matters that can be finalised with the Planning Authority by way of a condition. The overall social housing provision would help to provide a supply of housing for all sectors of the existing and future population, as well as facilitate the development of a strong, vibrant and mixed-tenure community in this location.

Conclusion

- 12.2.16. In conclusion, having regard to the scale and nature of the development proposed, the current statutory plan for this area and the provisions of Department Circular NRUP 07/22, a built-to-rent development on this site is acceptable, and I am satisfied that the proposed development would not materially contravene the Development Plan in relation to land-use zoning objectives for the site.

12.3. Density and Unit Numbers

- 12.3.1. Comprising 101 units on a net site area of approximately 0.22ha, which excludes the public footpaths and the area associated with the additional piped services under the public roads, the proposed development would feature a density of 454 units per hectare. Observers assert that the proposed density of the scheme would materially contravene the provisions of the Development Plan and the Framework Plan, and that it cannot be justified under section 37(2) of the Act of 2000 or section 28 guidelines. The Elected Members from the Planning Authority consider the location to support the density proposed in reducing the housing need of the area. The

Planning Authority consider the overall proposed density to be compliant with the minimum standards required in the Sustainable Residential Development Guidelines and the New Apartment Guidelines, however, they consider the proposed 454 units per hectare to be inappropriate for the site based on the provisions of the Sandyford Urban Framework Plan allowing for 70 units per hectare on this site. To address this and other concerns with respect to the scale and appearance of the proposed development, the Planning Authority require six floors of the development to be omitted, thereby resulting in the development featuring a reduced density of 215 units per hectare. The Planning Authority consider this to be appropriate having regard to the housing tenure, the proposed unit mix and the site context.

- 12.3.2. The applicant accepts that the density of the proposed scheme would materially contravene the provisions of the Framework Plan, however, they consider this density to be appropriate having regard to the provisions of the New Apartment Guidelines, the Building Heights Guidelines, the RSES and the NPF, as well as the quality of the development and the general pattern of development in the area.
- 12.3.3. When compared with residential densities in the immediate environment, the proposed density would be much higher than the density of development within the subject urban block, but it would be similar to the emerging densities of new developments to the north and west of the site within Sandyford business park. To achieve a density strictly in line with the provisions of the Framework Plan, the application site could only accommodate a maximum of 15 residential units, with the amendments suggested by the Planning Authority reducing the development to 43 units not achieving same.

Local Policy

- 12.3.4. Policy objective PHP18 of the Development Plan seeks to increase housing supply and promote compact urban growth through the consolidation and re-intensification of infill/brownfield sites having regard to proximity and accessibility considerations, as well as development management criteria. This policy also sets out to encourage higher residential densities, subject to proposals providing for high-quality design while protecting existing residential amenities and the established character of surrounding areas. The Development Plan states that residential development should exceed a net value of 35 units per hectare and in determining residential

densities, regard should be given to the Sustainable Residential Development Guidelines and the associated Urban Design Manual. Within a ten-minute walk of Luas lines and in a range of other locations, the Development Plan encourages net densities of greater than 50 units per hectare. As noted above the Sandyford Urban Framework Plan allows for up to 70 units per hectare on this site.

National and Regional Policy

- 12.3.5. In terms of the national policy context, the NPF promotes the principle of 'compact growth' at appropriate locations, facilitated through well-designed, higher-density development. Of relevance are NPOs 33 and 35 of the NPF, which prioritise the provision of new homes at appropriate scales and increased densities through a range of measures. The NPF signals a shift in Government policy towards securing more compact and sustainable urban development within existing urban envelopes. It is recognised that a significant and sustained increase in housing output is necessary. The RSES for the region promotes compact urban growth in this metropolitan area, where substantive delivery of new homes for the region is targeted. Increased densities on urban lands are also set out as a requirement of the Sustainable Residential Development Guidelines, the Building Heights Guidelines and the New Apartment Guidelines. All national planning policy indicates that increased densities and more compact urban forms are required within urban areas, subject to high qualitative standards being achieved in relation to design and layout.
- 12.3.6. The Building Heights Guidelines 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 should be actively sought out and brought forward by planning processes, in particular by Local Authorities and An Bord Pleanála. 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.

Sustainable Residential Development Guidelines

- 12.3.7. The Sustainable Residential Development Guidelines set out where increased residential densities will generally be encouraged in cities and large towns, including

city or town centres, on brownfield sites within city or town centres, along public transport corridors, on inner-suburban / infill sites, on institutional lands and on outer-suburban / greenfield sites. The site is brownfield in an urban location along a public transport corridor within the developing mixed-use Sandyford area. The Guidelines refer to walking distances from existing and planned public transport services as best guiding densities along public transport corridors, with scope for increased densities in locations within 500m walking distance of a bus stop or within 1km of a light rail stop or a rail station.

- 12.3.8. The applicant refers to the site as being 350m and 550m distance or within a five-minute walk from the Stillorgan and Sandyford stops along the green Luas line. The site is also within 500m of bus stops served by Dublin bus and Go Ahead public routes 11, 47, 75a, 114, 116 and 118. Private bus services also operate in this area. The Guidelines refer to the capacity of public transport services as requiring consideration with respect to appropriate densities, a matter that I specifically address further below. Based on the Sustainable Residential Development Guidelines and details above, I am satisfied that the site would most appropriately fall into the category of a site located within a public transport corridor for the purposes of calculating appropriate residential densities.

New Apartment Guidelines

- 12.3.9. The New Apartment Guidelines note that increased housing supply must include a dramatic increase in the provision of apartment development to support ongoing population growth, a long-term move towards smaller average household sizes, 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 to achieve housing objectives, with a focus on the accessibility of a site by public transport and its proximity to city/town/local centres or employment locations. Suitable locations stated in the Guidelines include 'central and/or accessible urban locations', 'intermediate urban locations' and 'peripheral and/or less accessible urban locations'. The Guidelines also state that the range of locations is not exhaustive and will require local assessment that further considers these and other relevant planning factors.

12.3.10. According to the Guidelines, 'central and/or accessible urban locations' include sites within walking distance (i.e., less than a 15 minute or 1.5km walk) from a principal city centre, or significant employment locations, which may include hospitals and third-level institutions. Sandyford business park comprises a host of major companies in the ICT, healthcare, financial and professional services sectors, therefore, the site is clearly within walking distance of a significant employment location. Central and/or accessible urban locations also include sites within reasonable walking distance (i.e., less than a ten minute or 1km walk) from a high capacity urban public transport stop, such as Luas, or sites within easy walking distance (less than a five minute or 500m walk) from high-frequency urban bus services. The site would be within reasonable walking distance of Stillorgan Luas stop and within easy walking distance of several urban bus services. The New Apartment Guidelines define high-frequency services as those featuring services at least every ten minutes during peak hours. The frequency of bus services within a five-minute walk from the site can be considered to be high based on the timetabled services available publicly and referenced in the application documentation. In considering the general provision of public transport available in this area, I would note that the capacity of services is intrinsically linked to frequency, as inferred in section 5.8 of the Sustainable Residential Development Guidelines.

12.3.11. Within their Residential Travel Plan, the applicant has provided details of an assessment undertaken of the existing and forecasted capacity of bus and Luas services in the area, with an estimated additional 100 Luas and 25 bus passengers during weekday, peak hours expected to arise from the subject proposals. The applicant considers that this increase amounting to a maximum of 2.5% for Luas service capacity or 0.075% bus capacity could be accommodated based on the data collected, including monitoring and adjusting of services by the National Transport Authority. Measure LRT9 of The Transport Strategy for the Greater Dublin Area 2022-2042 sets out that during the period of this strategy, it is intended to deliver significant additional capacity on the Luas green line through the provision of additional fleet and necessary infrastructure to meet forecasted passenger demand. I am satisfied that based on the details presented by the applicant, the future occupants of the proposed development would be a reasonable walking distance of a high-capacity urban public transport stop and within easy walking distance of a

high-frequency urban bus service. The Planning Authority refer to section 12.3.5.1 of the Development Plan, which classifies the entire Dun Laoghaire Rathdown area as a suburban or intermediate location. Arising from the local assessment above, this would clearly not be the case for the subject site, as it would most appropriately fall into the category of a 'central and/or accessible urban location'.

Unit Numbers

- 12.3.12. Sandyford is identified within the Development Plan as a 'mixed-use district' comprising between 96 and 116 hectares where there is significant opportunity for the redevelopment and intensification of brownfield lands. The core strategy for the county identifies demand for 18,515 residential units over the period of the Plan, with 4,571 units to be catered for on infill or windfall sites that were not subject of a permission during preparation of the Plan, such as the lands in Sandyford. I am not aware of the housing target figures stated in the Development Plan having been surpassed and it would be unlikely for same to arise within one year of the Plan's adoption. Information to the contrary has not been presented as part of this application.
- 12.3.13. The Planning Authority express concerns that the subject proposals, in conjunction with developments potentially providing for 642 units on the neighbouring Avid-technology and Tack-packaging sites, would be excessive and inconsistent with the integrated approach of the Sandyford Urban Framework Plan to facilitate approximately 1,000 units in the immediate area of the application site. I am not aware of any extant permission for the Tack-packaging site, although I am aware of an application for housing on this site that has been submitted to the Board for consideration (ABP ref. 313338-22), but as yet has not been decided upon. The only permission I am aware of regarding the Avid-technology site relates to a 706-bed space student accommodation facility (ABP ref. 303467-19) permitted in April 2019. Another application for development of 334 build-to-rent apartments on this Avid technology site has not been decided upon to date by the Board (ABP ref. 314523-22).
- 12.3.14. The Framework Plan sets out that any additional residential development to be permitted over the lifetime of the Development Plan should take place on the 'A2'

zoned land, including the application site, which would fall into the Carmanhall Road Neighbourhood forming part of zone 5 to the Framework Plan.

12.3.15. I have reviewed the Framework Plan and I can only infer that the Planning Authority's reference to 1,000 units being envisaged for this area as being based on density and plot ratio standards and not a strategic figure allocated to a specific area. Notwithstanding this, based on the information available, the subject proposals would not cause the 1,000-unit cap referenced by the Planning Authority to be exceeded. Accordingly, I am satisfied that the proposed development would not contravene the unit numbers envisaged for this area in the Framework Plan.

Density Conclusion

12.3.16. The statutory plan for this area sets out definitive minimum and maximum densities for this site of between 35 and 70 units per hectare, while highlighting the need to have regard to the density provisions outlined within the Sustainable Residential Development Guidelines and the New Apartment Guidelines. The proposed development would materially contravene the density provisions in the Development Plan. As stated, the applicant has addressed this matter in their Material Contravention Statement and, accordingly, it is open to the Board to consider the proposal in terms of a material contravention; a matter that I address in section 12.12 below.

12.3.17. I am satisfied that the provision of a higher density residential development in this central and accessible urban location is acceptable in principle in the context of national and regional planning policy, as discussed above, notwithstanding that the proposed residential density substantially exceeds the density parameters recommended for the site in the Sandyford Urban Framework Plan. Consideration with respect to the adequacy of local services to cater for the proposed development is undertaken in sections 12.8 and 12.9 below.

12.4. Urban Design and Building Height

12.4.1. The proposed development layout, massing, design and building height is considered in this section in terms of the urban design quality of the proposed development, with the potential impacts on visual and residential amenities primarily considered separately below in sections 12.5 and 12.7 respectively.

Layout and Design

- 12.4.2. The applicant has provided a variety of material to attempt to rationalise their development designs, including an Architectural Design Statement and a Materials Report. Section 5 of the applicant's Architectural Design Statement sets out how they consider the detailed design of the scheme to meet the 12 principles of the Urban Design Manual. It is proposed to construct a single block with landscaped roadside edges, featuring transitional building height elements and a metal-clad framing element partially wrapping and providing definition to the building. The main entrance to the building would be off Ravens Rock Road with a footpath running parallel to the carriageway inside a landscaped verge. The primary proposed vehicular access to an undercroft service area would also be provided off Ravens Rock Road.
- 12.4.3. Objective A2 5 for the subject zone 5 of the Framework Plan aims to require a set back of the building line along Carmanhall Road to protect the existing sylvan character and to provide a buffer from the employment uses opposite. According to the applicant, the proposed layout is considerate of the existing and potential future building lines along Carmanhall Road and Ravens Rock Road. As addressed in section 12.10 below, the layout allows for the mature trees on site to be maintained and protected along the roadside boundary. The Planning Authority supports the provision of three own-door apartments and residents' support facilities at ground floor to the building, as they consider this would activate the streetscape.
- 12.4.4. I am satisfied that the development layout is logical fitting in with the established grain of the area and with the building overlooking the public realm. Bin and cycle stores, as well as other ancillary areas are screened from view internally within the proposed building. Reasonable setbacks have been provided for, with the building approximately 15m from the roadside edge along Carmanhall Road and 7.5m from the roadside edge along Ravens Rock Road. The positioning of the proposed block and the general layout has been well considered with respect to the immediate context and conforms to the approach set out within the Framework Plan.
- 12.4.5. In relation to the proposed building, I note that it would feature regular rhythm and proportions, based on a limited palette of contemporary materials, including extensive buff brick, metal cladding and glass balustrades, as well as various

decorative and architecturally defining elements. The varying building elements, including stepped building heights and lines would ensure that the building would not have an overly monolithic appearance along the road frontage. The Planning Authority consider the proposed buff brick and metal cladding materials to be of high quality requiring minimal ongoing maintenance, with the design of the building elevations broken down by the introduction of vertical elements to avoid slab block effects. Following the approach set out in the application, final materials, can be addressed via condition in the event of a grant of permission for the proposed development. I am also satisfied with this approach, and I consider the design of the proposed building to be of a high standard and that it would positively contribute towards place-making in this developing mixed-use neighbourhood.

Public Open Space

- 12.4.6. The observers assert that the proposed provision of public open space would materially contravene the provisions of the Development Plan and the Framework Plan. Table 12.8 of the Development Plan sets out a requirement for 15% of sites to be provided as public open space in new residential developments, which the Planning Authority considers to amount to the need to provide 330sq.m of public open space on the application site as part of the subject development. The Planning Authority and the applicant consider that this would be complied with via provision of 514sq.m of functional and landscaped space along the north of the site featuring walkways, planting, lawns and seating accessible from the adjoining roads. This public open space would be in a similar location to the open space proposed within the Framework Plan, which would link into the Sandyford Business District Civic Park envisaged for the corner site to the northwest of the application site.

Notwithstanding the provision of several short-stay bicycle stands within this proposed public open space, the remaining area would continue to achieve necessary provision of public open space required to serve the development based on the Development Plan standards. Nonetheless, if necessary and as noted further below, the extent of cycle parking in this open space area can be reduced via condition. Semi-private, communal open spaces are also proposed throughout the development and these are discussed further below.

- 12.4.7. I am satisfied that the proposed provision of public open space as part of this development would be appropriate, and it would not materially contravene the

provisions of the Development Plan. The Planning Authority state that a drawing indicating the area to be taken in charge following completion of the proposed development has not been provided with the application and they require this public open space to be continually open to the public following completion of the development. The open space diagram drawing (no.7159-XX-XX-DR-L-2002) submitted with the application indicates that the public open space would form part of the area to be taken in charge following completion of the development, while the landscaping details submitted illustrate that this proposed public open space would not be enclosed and would be accessible from the adjoining public footpaths. A finalised taken in charge drawing can be submitted as a condition in the event of a grant of planning permission for the proposed development. The applicant's Assessment of Daylight Adequacy (report 2 of 3) illustrates that the proposed public open space would receive sufficient sunlight levels based on the standards in the BRE 209 'Site Layout Planning for Daylight and Sunlight - A Guide to Good Practice' (2011).

Public Lighting

- 12.4.8. Public lighting details, including the specifications and illumination levels for the lighting columns intended to be installed as part of the proposed development are included within the application. The Public Lighting Layout drawing (no.SRP-AXE-XX-XX-DR-E-60102) indicates the areas on site that would feature public lighting, including the open space and undercroft areas. The applicant's Ecological Impact Assessment states that bat-sensitive lighting would be incorporated into the lighting proposals. As required by the Planning Authority, I am satisfied that final details of public lighting serving the development can be provided should the Board decide to grant permission for the proposed development.

Buildings Heights

- 12.4.9. The proposed building would feature a variety of building heights, with a maximum height of 11 storeys or 40.5m above the immediate surface level. The applicant has provided images indicating the existing and permitted varying building heights of the area. The immediate urban block that the application site is situated within features warehouse and light industrial type buildings generally of a low level featuring two storeys. Immediately to the north of the site along Carmanhall Road is an eight-

storey office building known as The Chase, and there are numerous existing examples of buildings higher than this within the wider business park area, the majority of which appear to be of recent construction. The applicant also refers to permissions for buildings of up to 17 storeys on lands to the northwest of the site, as well as a previous permission for a nine-storey student accommodation building on the Avid-technology site (ABP ref. 303467-19).

12.4.10. The policy basis for my assessment of the proposed building height is informed by national, regional and local planning policy. In terms of national policy, I assess the development against the Building Heights Guidelines, which provide a detailed approach to the assessment of building heights in urban areas. I have considered these Guidelines alongside other relevant national planning policy standards, including national policy in the NPF, particularly NPO 13 concerning performance criteria for building height, NPO 33 prioritising new homes at appropriate scales relative to location and NPO 35 seeking increased residential density in settlements including through increased building heights. I have had regard also to the observer's submissions, to the application details, including the Design, Townscape and Visual Assessment, the photomontages and the Architectural Design Statement, as well as my visit to the site and its surroundings. RPOs 3.3 and 5.4 of the RSES for the region support compact urban growth and promote strategic residential development within the Dublin metropolitan area meeting the higher densities and qualitative standards set out in the Sustainable Residential Development Guidelines, the New Apartment Guidelines and the Building Heights Guidelines.

12.4.11. The Development Plan policy objective PHP42 not only aims to encourage high-quality design in all new development, it also aims to ensure that new development complies with the Building Height Strategy for the County, as set out in appendix 5 to the Plan. The Sandyford business district building height objectives stated in section 3.2 of Appendix 5 to the Development Plan are consistent with the building height objectives stated in section 3 to the Sandyford Urban Framework Plan, requiring the height limits to follow those set out in Map 3 of the Framework Plan, subject to compliance with policy objectives BHS 1 and BHS 2. Policy objective BHS 1 allows for increased building heights in certain locations, including the Sandyford Urban Framework Plan area and within a 1km or ten-minute walk from a Luas stop, subject to amenities, environmental sensitivities, and the character of an area, as well as the

provisions of the Building Heights Guidelines. Policy objective BHS 2 aims to promote and support the proposed building heights identified for certain areas, including the Sandyford Urban Framework Plan area, with any taller buildings required to be considered against the building height performance-based criteria set out in Table 5.1 of Appendix 5 to the Development Plan; a requirement of the Development Plan for all developments with building heights greater than four storeys. Section 3.2 of Appendix 5 to the Development Plan states that the stated building height limits in the Sandyford Urban Framework Plan do not necessarily represent a 'target' height for each site. Map 3 of the Sandyford Urban Framework Plan identifies building heights of three to five storeys for the subject application site and the urban block that it is situated within.

12.4.12. Observers assert that the proposed building height would materially contravene the provisions of the Development Plan and the Framework Plan. Despite considering that the proposed development would create a sense of enclosure and make a positive contribution along Carmanhall Road with public realm upgrades, trees maintained and an enhanced urban grain, the Planning Authority assert that six intermediary floors within the proposed building should be omitted having regard to the nature of the tenure, the unit mix, the site context, overbearing impacts and the failure of the proposals to integrate into or enhance the public realm, as well as being non-compliant with the Sandyford Urban Framework Plan and the building height performance criteria within the Development Plan. According to the Planning Authority, the quantum and bulk of the proposed development would not accord with the objective of the Sandyford Urban Framework Plan to provide a softer inner centre to the zone 5 residential neighbourhood and the suggested omission of six intermediary floors is considered to rectify this.

12.4.13. I am satisfied that the proposed development exceeding the three to five-storey building height limit set out in the Framework Plan for this site, could reasonably be considered to materially contravene the building height provisions of the Development Plan. This matter has been addressed by the applicant in their Material Contravention Statement, and in such a situation it is open to the Board to consider the proposal in terms of material contravention procedures.

12.4.14. The Building Heights 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. In this regard, SPPRs and the Development Management Criteria under section 3.2 of these section 28 Guidelines have informed my assessment of the application. Section 3.1 of the Building Heights Guidelines presents three broad principles that Planning Authorities must apply in considering proposals for buildings taller than the prevailing heights:

1. does the proposal positively assist in securing National Planning Framework objectives of focusing development into 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?
2. is the proposal in line with the requirements of the Development Plan in force and such a plan has taken clear account of the requirements set out in Chapter 2 of the Building Heights Guidelines?
3. 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?

12.4.15. As noted, and explained throughout this report, by focussing development in key urban centres and supporting national strategic objectives to deliver compact growth in urban centres, I am satisfied that the proposed development meets the requirements set out in item 1 above. The Planning Authority is also of the opinion that the site is suitable for a higher density of development, in accordance with the principles established in the NPF. Item 2 above would not be met as part of the subject proposals. A patchwork of restrictive building heights is applied in the Framework Plan, which I am satisfied does not take clear account of the requirements set out in the Building Heights Guidelines and lacks the flexibility to secure compact urban growth through a combination of both facilitating increased densities and building heights, while also being mindful of the quality of development and balancing amenity and environmental considerations. In relation to the question in item 3 above, the Development Plan does not predate the Guidelines.

12.4.16. In principle, I am satisfied that there is no issue with the height in terms of compliance with national policy, therefore the issue of height should be considered in the context of SPPR 3(a), which states that where a Planning Authority is satisfied that a development complies with the criteria under section 3.2 of the Building Heights Guidelines, then a development may be approved, even where specific objectives of the relevant Development Plan may indicate otherwise. Section 3.2 of the Building Heights Guidelines states that the applicant shall demonstrate to the satisfaction of the Planning Authority or An Bord Pleanála that the proposed development satisfies criteria at the scale of the relevant city or town, at the scale of the district, neighbourhood or street, and at the scale of the site or building, in addition to providing specific assessments. The applicant has provided a Statement of Material Contravention that asserts the development's compliance with SPPR 3(a) of the Building Heights Guidelines.

Section 3.2 Criteria: At the scale of relevant city/town

12.4.17. The first criteria under section 3.2 of the Building Heights Guidelines relates to whether the site is well served by public transport with high capacity, frequent service and good links to other modes of public transport. My assessment above addressing the location of the proposed development with respect to appropriate densities, indicates that the site would be within reasonable walking distance from high-capacity Luas stops and within easy walking distance of high-frequency urban bus services.

12.4.18. National and local policy recognises the need for a critical mass of population at accessible and serviced locations within Metropolitan areas. I am satisfied that the site is well located and serviced with options to access existing high-frequency, high-capacity public transport routes, with links between modes, as well as increased access and connections available through more active modes of walking/cycling, and with an array of services and amenities within walking and cycling distance of the site.

12.4.19. Overall, I am satisfied that the level of public transport currently available is of a scale that can support the resultant future population. Additional and upgraded transport services in this area, will be supported by providing for developments such as this, which will support a critical mass of population at this accessible location

within the metropolitan area, in accordance with national policy for consolidated urban growth and higher densities.

12.4.20. Point two under this part of the section 3.2 criteria relates to the scale of the development and its ability to integrate into/enhance the character and public realm of the area, having regard to topography, its cultural context, the setting of key landmarks and the protection of key views. The Planning Authority asserts that the proposals would fail to properly integrate into the area and would be visually obtrusive. The applicant asserts that the height of the proposed development has been well considered with respect to its immediate surroundings and the site constraints, with a stepped building approach providing visual interest and integrating the development into the area. As required, a Design, Townscape and Visual Assessment has been submitted as part of the application, with the professional suitability of the practitioners outlined in section 2 of the submitted Assessment. The visual impact assessment undertaken below in section 12.5 concludes that the proposed development would have negligible to moderate visual impacts when viewed amongst the surrounding emerging urban profile, and, accordingly, the proposed development would not fail to integrate with the established character of this part of the city. In replacing a building of very limited architectural merit with a building of high-quality design and materials, the proposed development would enhance the appearance of the site.

12.4.21. With regard to the contribution of the development to place-making and the delivery of new streets and public spaces, I note that the development would feature improvements to the public realm along Ravens Rock Road and Carmanhall Road, as well as the provision of an area of public open space intended to link into a wider public open space envisaged in the Framework Plan. The Planning Authority refer to overbearing impacts along Ravens Rock Road arising from the proposed development, suggesting that a setback of more than 2m would be required to address this impact alongside other revisions to the development. The proposal has sufficient regard to its proximity to neighbouring properties and in my view, it would not have excessively overbearing impacts on the amenity of neighbouring properties (see section 12.6 below) or along the public realm, particularly when considering developments of a similar scale and context in the immediate area. Following on from considerations above in relation to the layout and design of the proposed

development, I am satisfied that the development would make a positive contribution to place-making in this area, as well as the character and identity of the neighbourhood.

Section 3.2 Criteria: At the scale of District / Neighbourhood / Street

- 12.4.22. The bullet points under this section of the Building Heights Guidelines relate to how the proposals respond to the overall natural and built environment, and the contribution of the development to the urban neighbourhood and streetscape. Consideration is also required regarding whether the proposal is monolithic in form, whether the proposal enhances the urban design of public spaces in terms of enhancing a sense of scale and enclosure, legibility, integration and the contribution of the development to building/dwelling typologies available in the neighbourhood. The Planning Authority initially assert that the development would enhance the appearance of the area by providing a sense of enclosure along Carmanhall Road, before asserting that for reasons stated above, a reduction in building heights would be merited.
- 12.4.23. The applicant considers the development to respond to its overall natural and built environment by providing a high-quality development on underutilised residential zoned land that will make a positive contribution to the receiving urban environment. As referred to above, I consider the proposed development to make a make a positive contribution to the urban neighbourhood and streetscape along Ravens Rock Road and Carmanhall Road in replacing a building of limited architectural merit. The limited scale of the site and the proposed modulated building heights would avoid the creation of a development monolithic in appearance and would provide for passive surveillance of the public realm, including open spaces and pedestrian and cycle routes running past the site.
- 12.4.24. In terms of how the development responds to the overall natural environment, I note the limited loss of trees to facilitate the proposed development and the extensive maintenance of trees of greatest value. I am satisfied that the development would respond sensitively to the existing built and natural environment, and the height and siting of the proposed building would positively contribute to the urban neighbourhood and streetscape with buildings of comparable size constructed or under construction in the immediate area.

12.4.25. The requirements of 'The Planning System and Flood Risk Management – Guidelines for Planning Authorities' (2009) have been complied with as part of the applicant's submission of a Site Specific Flood Risk Assessment, which is addressed further below in section 12.9.

12.4.26. With regard to the consideration of the criteria relating to legibility, some positive contributions would arise via provision of pedestrian footpaths fronting the site and as the siting of the building would be sensitive to existing building lines.

12.4.27. The tenure of the development is discussed in section 12.2 above, where it was accepted that it would not lead to an oversaturation of this housing type in the area, while the mix of residential units proposed would add to the mix of housing typologies in this area (see also section 12.7 below).

Section 3.2 Criteria: At the scale of site / building

12.4.28. I have considered in more detail the impact of the building height on the amenity of neighbouring properties, including issues such as daylight, overshadowing, loss of light, views and privacy. I consider the form of the proposed development has been well considered in this regard and issues in relation to sunlight, daylight and overshadowing have been adequately addressed as part of the proposed development.

Section 3.2 Criteria: Specific Assessments

12.4.29. Several specific assessments have been undertaken and submitted with this application, specifically in relation to sunlight, daylight, overshadowing, telecommunications, wind and microclimate. The Elected Members of the Planning Authority raise concerns with respect to the impacts of wind for the roof terraces serving the development. The applicant asserts that micro-climatic effects have been considered in the configuration of the optimal layout of the proposed development, to avoid introducing any critical wind impact on the surrounding areas and on existing buildings. Ground-floor wind speeds were calculated as being tenable by the applicant, with minor wind funnelling near the northeast and southwest sides of the building and short-term sitting conditions achievable for three of the five roof terraces. According to the applicant, the proposed development does not introduce any critical wind impact on the surrounding buildings or the adjacent roads. Evidence to the contrary has not been submitted by parties to the application

and I am satisfied that wind impacts on the proposed development would not be substantive or sufficient to require amendment of the proposals.

12.4.30. Likely impacts for telecommunication channels are considered within a

Telecommunications Report submitted as part of the application. This outlines that diffraction for one microwave link telecommunication channel would arise from the proposals, but that this can be resolved via the provision of two support poles affixed to the east-side, lift-shaft overrun rising 1.7m above the top-floor, roof level. The Planning Authority required the proposed telecommunications and associated equipment to be omitted as part of the omission of the six intermediary floors to the development. Details of the telecommunications equipment have been submitted as part of the drawings included with the application, with the equipment to be positioned over 7m from the building edge and, as a result, it would not be visible from immediate street level, as illustrated in the photomontages submitted.

Consequently, subject to the height of the proposed building not being reduced, I am satisfied that the proposed telecommunications equipment would not have substantive impacts on the visual amenities of the area, and a condition to remove this equipment from the proposed development would not be necessary.

12.4.31. The subject proposals do not provide for tall buildings with likely impacts for safe air navigation and the site is not within an airport public safety zone, as acknowledged by the Planning Authority.

12.4.32. A Screening Report for Appropriate Assessment (AA) and an Ecological Impact Assessment, including bat survey, have been submitted as part of the application to demonstrate no significant impact on ecology, and no likely adverse impact on protected habitats or species, including bats and birds. Likely impacts on archaeology are also detailed as part of the application, as discussed further below in section 12.10. Strategic Environmental Assessment would not be required for this project and screening for EIA undertaken in section 13 below concludes that an EIA Report would not be necessary either. I am satisfied that adequate information has been submitted to enable me to undertake a thorough and comprehensive planning assessment of the impact of the proposed development.

Building Height Conclusion

- 12.4.33. The observers assert that the proposed development and documentation submitted does not comply with the provisions of the Building Heights Guidelines, including SPPRs 1, 2 and 3, and that it is not in compliance with BRE 209 Guidelines with respect to lighting. Based on the assessment undertaken above, I would not share these assertions.
- 12.4.34. Overall, the proposed development would make a positive contribution to the area and would not respond well to the natural and built environment in visual terms. The Planning Authority suggest the omission of six intermediary levels in the block if the Board was minded to grant permission for the subject development, however, I would have concerns that this would require a complete redesign of the scheme with substantive material implications from a visual amenity perspective. Consequently, I do not believe this course of action to be a practical means of remedying the situation should a reduced building height to five storeys be considered necessary in the Board's final decision.
- 12.4.35. The Board may in circumstances approve development for higher buildings, even where specific objectives of the relevant Development Plan may indicate otherwise, as per SPPR 3(a). In this regard, the proposed building heights are greater than the standard heights outlined within the Framework Plan appended to the Development Plan and would be greater than the height of the immediate existing neighbouring buildings. I am satisfied that the proposed development would provide for a well-considered urban development at this highly accessible site, and the building heights proposed would be in accordance with national policy and guidance to support compact consolidated growth within the footprint of existing urban areas, including the Sandyford area which features buildings and permissions for buildings of similar and taller heights than that proposed in the subject application.

Conclusion

- 12.4.36. I acknowledge reference to an 'inner-soft centre' envisaged in the Sandyford Urban Framework Plan for the subject residential neighbourhood, however, this is predicated on blanket numerical restrictions relating to building heights, and such an approach is not supported in the Building Height Guidelines, as it can hinder innovation in urban design and architecture, leading to poor planning outcomes. I

believe that the omission of six intermediary storeys from the proposed building would result in a poor planning outcome for this corner site on the edge of the inner centre to the Framework Plan lands, whereas the building as proposed would incorporate high-quality contemporary architecture considerate of the immediate setting and capable of securing objectives of the NPF and RSES, as well as complying with provisions of section 28 Guidelines. In summary, I am satisfied that the overall layout, design, open space and building height of the scheme would provide a quality response in developing this site from an urban design perspective.

12.5. Visual Impact Assessment

- 12.5.1. The Planning Authority assert that the proposal would be visually obtrusive in the wider context having regard to the provisions of the Sandyford Urban Framework Plan.
- 12.5.2. The Development Plan does not identify any protected views or landscapes of value effecting the site. The site is within the built envelope of the city and it is not included within a landscape character area of high amenity or historical merit. A 'Design, Townscape and Visual Assessment' containing photomontages, as well as contextual elevations and sections, accompanied the application. A total of 14 short, medium and long-range viewpoints are assessed in the 'Design, Townscape and Visual Assessment'.
- 12.5.3. I have viewed the site from a variety of locations in the surrounding area, and I am satisfied that the photomontage viewpoints are taken from locations, contexts, distances and angles, which provide a comprehensive representation of the likely visual impacts of the development from key reference points. The photomontages submitted provide visual representations, which I am satisfied would be likely to provide a reasonably accurate portrayal of the completed development in summer settings with the proposed landscaping in a mature and well-maintained condition. The following table 4 provides a summary assessment of the likely visual change from the applicant's 14 selected viewpoints arising from the completed proposed development.

Table 4. Viewpoint Changes

No.	Location	Description of Change
1	Mount Eagle Green – 970m south	Upper-floor levels would be partially visible, but the remainder of the development would not be visible due to the extensive planting along the park boundary and existing buildings. The level of visual change would be negligible from this long-range view, due to the separation distance and the screening available.
2	Leopardstown Road / Leopardstown Rise – 750m southwest	Eight upper levels of the building would be visible. The level of visual change is only slight from this location, due to the separation distance and the context set amongst buildings of similar scale.
3	Moreen Park – 870m southwest	Upper-floor level would be visible, but the remainder of the development would not be visible due to the boundary wall along the park boundary and existing buildings. The level of visual change is only slight from this long-range view, due to the separation distance and the screening available.
4	St. Raphaela's Road – 760m north	Upper-floor level would be visible, but the remainder of the development would not be visible due to the existing street planting and buildings. The level of visual change is only slight from this long-range view, due to the separation distance and the screening available.
5	St. Raphaela's Road at Stillorgan Luas Stop – 310m north	Upper-floor level would be visible, but the remainder of the development would not be visible due to the existing buildings. The level of visual change is only slight from this medium-range view, due to the context amongst similar scale buildings and the screening available.
6	Junction of Burton Hall Road and Blackthorn Avenue – 540m southeast	Upper-floor levels would be visible with some screening of lower levels by street planting. The level of visual change is only slight from this long-range view, due to the separation distance.
7	Junction of Burton Hall Road and Arena Road – 350m southeast	Upper-floor levels would be visible with some screening of lower levels by roadside boundaries. The level of visual change is only slight from this medium-range view, due to the separation distance.

8	Junction of Heather Road and Fern Road – 360m southwest	Five to six upper-floor levels would be visible, but the remainder of the development would not be visible due to the existing buildings. The level of visual change would be only slight from this medium-range view, due to the separation distance and the screening available.
9	Junction of Three Rock Road and Ravens Rock Road – 130m south	The proposed development would be visible in almost its totality from this location and the building would be viewed against the backdrop of an existing eight-storey building on slightly lower ground to the north. I consider the magnitude of visual change from this short-range view to be moderate in the context of the receiving urban environment.
10	Carmanhall Road at Beacon South Quarter – 340m northeast	Upper-floor levels would be visible with some screening of the lower levels by existing buildings. The level of visual change is only slight from this medium-range view in the context of the receiving urban environment.
11.	Carmanhall Road at Corrig Road – 200m northeast	Visibility of the subject development would be slightly restricted by existing trees. I consider the magnitude of visual change from this medium-range view to be moderate in the context of the receiving urban environment.
12.	Carmanhall Road at Ballymoss Road – 60m north	The proposed development would be visible in almost its totality from this location, particularly with the removal of the Leylandii Cypress hedge. I consider the magnitude of visual change from this short-range view to be moderate in the context of the receiving urban environment.
13.	Carmanhall Road (eastern end) – 160m east	Upper-floor levels would be visible with some screening of the lower levels by existing street trees and roadside boundaries. The level of visual change is only slight from this medium-range view in the context of the receiving urban environment.
14.	Carmanhall Road and Arkle Road junction – 60m east	The proposed development would be visible in almost its totality from this location with some screening by street planting. I consider the magnitude of visual change from this short-range view to be moderate in the context of the receiving urban environment.

- 12.5.4. In the immediate area the development would be most visible from the approaches along Ravens Rock Road and Carmanhall Road, with only intermittent views of the higher building elements from local vantage points outside the business park area. The development would be viewed as a substantial insertion in this urban setting and a substantive new feature where visible from neighbouring properties. The proposed development represents a substantial increase in height and scale when considering the existing low-rise commercial buildings characterising the subject urban block, although it would be approximately 7.5m above the height of The Chase office block, immediately to the north on Carmanhall Road. There are other buildings of comparable height constructed, under construction or permitted within the immediate Sandyford business park area.
- 12.5.5. Environmental conditions would also influence the appearance of the development from the selected viewpoints, particularly along the streets approaching the site, with screening by mature trees varying throughout the seasons. I am satisfied that the visual change would be largely imperceptible from the wider areas, but moderate visual impacts on the Ravens Rock Road and Carmanhall Road approaches to the site would arise. The site is situated approximately 500m across an extensive urban area from Burton Hall, the nearest Protected Structure, and, as such, it would not impact on the setting or character of this Protected Structure.
- 12.5.6. The impact on the outlook from neighbouring properties is considered separately in section 12.6 below. Where potentially discernible from long range views, the proposed development would read as part of the wider emerging urban landscape, including several taller buildings within the business park, and screening offered by existing buildings, boundaries, structures and trees would largely restrict the visual impact of the development from other areas beyond Carmanhall Road and Ravens Rock Road. The appearance of the development would not be out of character with the emerging character of the area, including buildings of similar scale and height, and the proposed development would have a positive impact on the appearance of the area given the quality of the building proposed. The observers assert that the visual impact of the proposed development would materially contravene the provisions of the Development Plan and the Framework Plan, however, the assessment above does not find this to be the case. In conclusion, the proposed development can be absorbed at a local level and the visual change arising from the

proposed development would have positive implications for the appearance of the area.

12.6. Impacts on Neighbouring Amenities

- 12.6.1. Chapter 4 of the Development Plan sets out that applications for developments featuring a net density of greater than 50 units per hectare must include an assessment of how the density, scale, size and proposed building form does not represent overdevelopment of the site. The applicant has provided a variety of assessments to attempt to demonstrate same. While policy objective PHP18 of the Development Plan encourages higher densities, this is subject to the protection of the residential amenities and established character of an area.
- 12.6.2. The nearest existing residential properties to the proposed development are substantive distances from the application site, although there are commercial buildings adjacent to the west and south, as well as on the opposite sides of the roads facing the application site. The closest residences to the application site appear to be the apartments within the The Forum complex, approximately 70m to the north. A five-storey office block known as The Courtyard is situated between the application site and the eight-storey apartment block in The Forum, thereby substantively limiting any impact of the proposed development on these apartments.

Overlooking and Loss of Privacy

- 12.6.3. Policy objective PHP3 of the Development Plan refers to the Sustainable Residential Development Guidelines when planning for sustainable residential communities. These Guidelines and the Development Plan refer to the traditional minimum separation distance of 22m between opposing first-floor windows in two-storey housing for privacy reasons. Dependent on positioning and detailed design, reduced separation distances may be acceptable based on the Guidelines and the Development Plan, and in residential developments over three storeys, the Development Plan states that minimum separation distances may be increased having regard to layout, size and design.
- 12.6.4. Given the separation distances and planning provisions presented above, there would not be potential for excessive overlooking to arise for existing neighbouring residential properties. Taking into consideration the development potential of the

adjoining sites, including their suitability for residential use based on the Development Plan and Framework Plan provisions, the Planning Authority consider the use of opaque glazing along the southern and western elevations of the proposed building would be reasonable in preventing overlooking towards adjacent properties and an excess level of overlooking would not be likely to arise. Where the proposed upper-floor habitable room windows and balconies directly face the neighbouring properties to the south and west, a minimum 22m separation distance is provided for. The public realm would serve as a visual distraction between properties to the north and east, which would be over 22m from the proposed building. Accordingly, a refusal of permission or modifications to the proposed development for reasons relating to overlooking of neighbouring properties would not be warranted. I consider the impacts on the privacy of future residents of the proposed apartments separately under section 12.7 below.

Outlook and Overbearing Impacts

- 12.6.5. The proposed development would be visible from the public realm and internal areas of properties neighbouring the site. Consequently, it would change the outlook from these neighbouring properties. Having visited the area and reviewed the application documentation, including the photomontages, I consider that the extent of visual change that would arise for those with views of the development, would be reasonable having regard to the separation distances to properties and the existing use of the nearest properties to the application site, and as a contemporary development of this nature would not be unexpected in this area owing to the development objectives for the site and the emerging pattern of development in the area, in particular the increasing prevalence of taller buildings.
- 12.6.6. Another key consideration is whether the height, scale and mass of the proposed development and its proximity to neighbouring properties is such that it would be visually overbearing where visible from neighbouring properties. As noted above, the proposed development features a building height similar but in some cases below the heights of buildings in the business park area. Photomontages in the applicant's Design, Townscape and Visual Assessment provide illustrations of the appearance of the development from neighbouring areas. I am satisfied that the proposed development would not be overly prominent when viewed from the nearest properties, with an open outlook and sky view maintained. There would be sufficient

intervening space between the existing properties and the proposed building to ensure that the proposed development would not be excessively overbearing when viewed from neighbouring properties.

- 12.6.7. As noted above the Planning Authority refer to the potential for the development to have an excessively overbearing impact along Ravens Rock Road, suggesting that a 2m setback would be necessary to address this, or the omission of six intermediary floors to the building. The proposed building would feature a ten-storey element for a distance of 18m along Ravens Rock Road with a setback top-floor level above this. As stated above the building would be approximately 7m from the back edge of the carriageway and it would be 2.5m from the footpath along this road frontage. The closest building of similar height to the proposed development is The Chase office block to the north, which features a much more limited setback distance from the public carriageway when compared with the proposed building. While I accept that The Chase building would be lower in height than the proposed building, I do not consider it to be excessively overbearing based on my visit to the area and, following on from this, I would not anticipate that the proposed development would have excessive overbearing impacts along Ravens Rock Road.

Daylight and Sunlight Impacts

- 12.6.8. The Planning Authority do not consider the proposed development to have substantive impacts on lighting to neighbouring properties. In assessing the potential impact on light access to neighbouring properties where existing occupants would have a reasonable expectation of daylight, two primary considerations apply, including the potential for excessive loss of daylight and light from the sky into existing buildings through the main windows to living rooms, kitchens and bedrooms, and the potential for excessive overshadowing of existing external amenity spaces, including gardens. The applicant has provided Daylight Impact Reports assessing the skylight levels available to neighbouring properties and sunlight levels available to neighbouring properties and recreation areas in the existing situation and potential future scenarios.
- 12.6.9. The Sustainable Residential Development Guidelines refer to the standards in BRE 209 'Site Layout Planning for Daylight and Sunlight - A Guide to Good Practice' (2011) and BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for

Daylighting'. The BRE 209 guidance outlines a series of tests to identify whether rooms where daylight is required in neighbouring residences, would receive adequate lighting as a result of undertaking a proposed development. The first of these tests states that if the separation distance is greater than three times the height of the new building above the centre of the main window (being measured), no further testing would be necessary. The closest neighbouring buildings accommodating office or light-industrial work activities, would fall beyond the scope of this assessment based on application of the BRE 209 criteria. The applicant also considered the potential for lighting impacts on two permitted neighbouring residential developments (ABP refs. 305940-19 and 303467-19), concluding that these developments would be sufficient distances from the proposed development not to be capable of experiencing recognisable lighting impacts given the separation distances. I am satisfied that a similar position could be taken with respect to the build-to-rent development permitted on Ballymoss Road (ABP. ref. 311722-21). No windows in the neighbourhood either existing or permitted would qualify for testing based on the details presented. The Planning Authority are also satisfied that the sunlight and skylight would not be a problem for existing buildings surrounding the site.

- 12.6.10. The applicant also presented assessments of the possible future impact of the development on properties immediate to the site guided by the Framework Plan provisions, assuming that the sites would be developed at a similar scale, nature, height and layout to the subject proposals. As part of this the applicant tested hypothetical scenarios for skylight, annual sunlight, winter sunlight and solar access to the future potential neighbouring developments. The applicant asserts that the testing undertaken reveals that adequate levels of lighting would be achievable to neighbouring future developments with sufficient flexibility within the guidance referenced above to allow for the proposed development.

Overshadowing

- 12.6.11. The BRE 209 guidance require greater than half of neighbouring amenity areas to receive at least two hours of sunlight on the 21st day of March (the spring equinox). The applicant identified only one neighbouring recreation space that could reasonably be impacted by overshadowing from the proposed development, and this is located on the opposite side of Ravens Rock Road at the junction with Carmanhall

Road. Based on the applicant's assessment, including shadow casting imagery, the scale, height, siting and orientation of the proposed building is such that it would not unduly impact this neighbouring amenity space by overshadowing, with all of the amenity space receiving at least two hours of sunlight on the spring equinox. A substantive change in sunlight hours to neighbouring amenity areas would not arise from the proposed development.

- 12.6.12. The Planning Authority suggests that reducing the height of the development would improve the level of sunlight achievable for the proposed amenity space along the northern side of the site onto Carmanhall Road. The applicant's testing for the proposed 11-storey building calculated that 97% of the proposed public open space would receive at least two hours of sunlight on the spring equinox, therefore, I am satisfied that based on the information available, a reduced building height would not have any substantive benefits in terms of lighting of the proposed public open space.

Construction Impacts

- 12.6.13. The Outline CEMP submitted with the application sets out the intended measures to address traffic, security, health and safety, as well as the various controls with respect to fuel, water, biodiversity, light, air, dust, waste and archaeology. The applicant's Ground Investigation report provides insight into how excavation works would be undertaken for the proposed basement and foundation structures arising from the surveyed conditions. An Outline CMP has also been submitted with the application setting out the stages and methods to be undertaken in developing the site, including traffic management measures. The Elected Members of the Planning Authority require construction traffic to be prohibited from parking along Carmanhall Road, as this is intended to accommodate a cycle lane in future. Any construction phase impacts would only be of a temporary nature and would also be subject of a finalised project CMP with a traffic management plan, as is required by the Planning Authority. Standard construction hours can be applied to the proposed development as a condition in the event of a grant of permission.

Conclusions

- 12.6.14. In conclusion, sufficient information has been provided with the application and is available to allow a comprehensive and thorough assessment of the impacts of the proposals on neighbouring amenities, as well as the wider area. I am satisfied that

the proposed development would not result in excessive overshadowing, overbearing or overlooking impacts for neighbouring properties. Accordingly, subject to conditions, the proposed development should not be refused permission for reasons relating to the likely resultant impacts on neighbouring amenities.

12.7. Residential Amenities and Development Standards

- 12.7.1. An assessment of the amenities of the proposed development relative to quantitative and qualitative standards for residential development is undertaken below having regard to the guidance set out in the 2020 version of the New Apartment Guidelines, as well as the provisions of the Development Plan and the Building Heights Guidelines, which refer to documents providing guidance for daylight and sunlight assessments within new developments.
- 12.7.2. Section 12.3.6 of the Development Plan addresses the standards for build-to-rent accommodation in the Dun Laoghaire-Rathdown area, referring to the need for such accommodation to comply with SPPRs 7 and 8 of the New Apartment Guidelines, as well as section 12.3.5 of the Development Plan, which addresses traditional apartment standards.

Apartment Mix

- 12.7.3. The observers consider the proposed mix of units to materially contravene the provisions of the Development Plan and the Framework Plan, while the Planning Authority consider the overall mix of units to be acceptable based on planning provisions. The Elected Members of the Planning Authority consider the apartment mix not to accord with the Development Plan provisions.
- 12.7.4. The proposed development would feature 65 one-bedroom (64%) and 36 two-bedroom (36%) apartments. Following a draft Ministerial Direction, the Planning Authority was requested to delete certain provisions in the Development Plan, including a paragraph referring to a percentage of three-bedroom units to apply to build-to-rent developments, which the applicant had noted would not be complied with as part of the subject proposals, thus leading to this matter being addressed in their Material Contravention Statement. Section 12.3.6 of the Development Plan refers to scenarios where derogations in relation to certain build-to-rent development standards can be availed of, including unit mix, setting out that a planning condition

would need to be applied requiring a change of tenure following the period of any covenant and that such a condition can be attached in the event of a grant of planning permission. Section 12.3.5 of the Development Plan does not address unit mix, while section 12.3.6 refers to the need to comply with SPPR 8 of the New Apartment Guidelines. SPPR 8 of the New Apartment Guidelines provides that there shall be no restrictions on dwelling mix for build-to-rent developments and it is this provision that should be relied upon for the purposes of assessing the unit mix in the subject application. Given the absence of strict unit mix requirements arising from the Development Plan reliance on SPPR 8 of the New Apartment Guidelines and the scope to attach a condition addressing any change of tenure in the future, the proposed apartment mix is considered to be acceptable. Accordingly, it cannot reasonably be considered that the proposed unit mix would materially contravene the unit mix standards for build-to-rent accommodation provided for in the Development Plan.

Apartment Standards

- 12.7.5. The applicant has submitted a Housing Quality Assessment comprising a schedule of accommodation based on unit types, which provides details of apartment sizes, aspect, room sizes, storage space and private amenity space. The Planning Authority consider the aspect, floor areas, floor to ceiling heights, lift and stair core access, internal and external storage spaces and private amenity spaces for the proposed apartments to either meet or exceed the requirements of the New Apartment Guidelines.
- 12.7.6. The one-bedroom units measuring between 45sq.m to 66sq.m and the two-bedroom units measuring 73sq.m to 97sq.m would meet the minimum 45sq.m and 73sq.m unit size requirements respectively required for these apartments in the New Apartment Guidelines. A total of 58% of the apartments would exceed the New Apartment Guidelines floor space standards by more than 10%, despite SPPR 8(iv) of the New Apartment Guidelines not requiring the majority of the units to meet or exceed this 10% additional floor space requirement. The internal design, layout and room sizes for each of the apartments, as identified in the applicant's drawings and Housing Quality Assessment, would accord with or exceed the relevant standards, as listed in the New Apartment Guidelines, including the standard in appendix 1.

- 12.7.7. Floor to ceiling heights of 3.7m for the ground-floor level and 2.7m for the upper-floor levels are illustrated in the apartment block section drawings, in compliance with SPPR 5 of the New Apartment Guidelines and section 12.3.5.6 of the Development Plan. For build-to-rent schemes, SPPR 8(ii) of the New Apartment Guidelines allows flexibility in the application of the 3sq.m, 6sq.m and 9sq.m internal storage space respectively required for one, two and three-bedroom apartments, although the subject proposals comply with these standards, which are replicated in Table 12.3 of the Development Plan.
- 12.7.8. Section 12.3.5 of the Development Plan also refers to the need for apartment schemes to be provided with external storage for bulky items outside individual units, in addition to the minimum apartment storage requirements. These storage units should be secure, at ground-floor level, near the entrance to the apartment block and allocated to each individual apartment unit. When considering the provisions of the New Apartment Guidelines, there is not a necessity for such storage areas to be provided as part of a build-to-rent development. Various storage areas are proposed at ground-floor level in the development, but these do not appear to be capable as serving as external bulky goods storage areas for each proposed apartment. The Planning Authority does not consider external storage to be necessary for the apartments, given the site constraints, the provision of internal storage and the 10% exceedance of apartment floor areas for the majority of the proposed units. The applicant addresses non-compliance with this standard as part of their Material Contravention Statement. Notwithstanding this, I am satisfied that there is provision in section 12.3.6 of the Development Plan to allow for a derogation from this standard in build-to-rent developments, as referred to above with respect to unit mix, therefore, I am satisfied that the failure to provide external storage areas for the proposed apartments would not be akin to a material contravention of the Development Plan.
- 12.7.9. The Development Plan and SPPR 8(v) of the New Apartment Guidelines do not set a minimum requirement for lift and stair core access per apartment in schemes such as this. SPPR 8(ii) of the New Apartment Guidelines allows for flexibility with respect to the normal private amenity space standards serving apartments in build-to-rent schemes. Notwithstanding this, all of the proposed apartments would be provided

with either balconies, patio areas or roof terraces measuring at least 5sq.m for a one-bedroom unit and 7sq.m for a two-bedroom unit.

12.7.10. The Development Plan refers to the entire county area as falling into a suburban or intermediate area category, and, as a consequence, a 50% proportion of dual aspect units would be required in the proposed development based on the provisions of SPPR 4 of the New Apartment Guidelines. As noted above, local assessment reveals the area to clearly be in a 'central and/or accessible urban location', and I am satisfied that a 33% proportion of dual aspect units would be necessary based on the provisions of the New Apartment Guidelines. Notwithstanding this, 51% of the proposed apartments would feature dual aspect in compliance with the Development Plan requirements with no north-facing, single-aspect apartments proposed. Consequently, despite addressing this matter in their Material Contravention Statement, it cannot reasonably be concluded that the proposed development would materially contravene the dual aspect provisions of the Development Plan.

Lighting to Apartments

12.7.11. Section 3.2 of the Building Heights Guidelines state that the form, massing and height of a proposed development should be carefully modulated, to maximise access to natural daylight, ventilation and views, and to 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 such as BRE 209 'Site Layout Planning for Daylight and Sunlight - A Guide to Good Practice' (2011) and BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'. Section 6.6 of the 2020 version of the New Apartment Guidelines states that Planning Authority's should have regard to BRE 209, when considering the adequacy of lighting to apartment developments. These standards are also referenced in the Development Plan with regard to habitable rooms and communal spaces.

12.7.12. The Planning Authority do not raise concerns with respect to the provision of daylighting to the proposed apartments and as part of the application two separate reports were submitted titled Assessment of Daylight Adequacy. One of these reports assesses the proposals against the standards in the BRE 209 Guide, while the second report assesses the proposals against Irish and British standards IS EN

17037:2018 and BS EN 17037:2018. These more recent 2018 standards are not referenced in the Development Plan or the 2020 version of the New Apartment Guidelines. There is not a necessity to consider the proposals against a range of lighting standards and I consider the lighting standards within BRE 209 to be most appropriate for the assessment of the subject case.

12.7.13. Under the BRE 209 guide a minimum average daylight factor (ADF) of 1.5% should be achieved, with a 1% ADF for bedrooms and a 2% ADF for kitchens. The results of testing for all rooms are presented in tabular and graphical format in the applicant's Assessment of Daylight Adequacy (report 2 of 3). The results of testing for the proposed development calculated ADF values exceeding the target value for 86% of the rooms in the development with four of the bedrooms and 29 of the open-plan living/kitchen/dining rooms below the target values. When applying a 1.5% ADF target value for the open-plan living/kitchen/dining rooms, which the applicant asserts to be a reasonable target based on scope for target lighting in kitchen spaces, only six of these rooms would fall below the lighting standard. The applicant refers to the discretion afforded in relation to the application of target values, as well as the compensatory measures that have been incorporated into the proposals to overcome shortfalls in lighting standards, generally comprising artificial lighting, task lighting, alternative residents' amenity spaces, the provision of floor areas greater than the minimum standards, the provision and extent of private amenity space for each apartment, dual aspect provision, high-quality finishes and landscaping, as well as the wider amenities.

12.7.14. The applicant has also tested the sunlight available through windows to the apartments, revealing that the BRE 209 guide annual percentage of sunlight hours (APSH) target value would be exceeded for 77% of the apartments and when this was applied for the winter period 76% of the units achieved the target value. The applicant refers to the positioning of balconies as impacting on sunlight and they reiterate the compensatory measures where shortfalls arise.

12.7.15. I note that ADF is only one of a wide spectrum of interrelated requirements in the successful design of new apartments such as those proposed, with room sizes and layouts, window types and positions, and the provision of balconies interacting with the achievement of ADF values. In this regard a reasonable balance needs to be

achieved to ensure an appropriate standard of living accommodation and amenities for residents, and I am satisfied that this would generally be achieved in this case.

- 12.7.16. The New Apartment Guidelines recognise that a discretionary approach should be taken with regard to compliance with daylight provision in certain circumstances and I am satisfied that such an approach would be reasonable given the calculated substantive compliance with ADF and APSH values for the majority of the rooms, as well as the stated compensatory measures where rooms fall short of the relevant target values. I am satisfied that the daylight and sunlight to the proposed development in this urban context would provide for suitable levels of residential amenity for future residents of the development.

Privacy and Overlooking

- 12.7.17. As mentioned above, a minimum separation distance of approximately 22m between directly opposing windows to maintain privacy is required with potential for increased separation distances in residential developments of three storeys or more. The proposal design measures, such as separation distances, intervening public realm and open spaces, as well as building orientation would generally be appropriate and would address the potential for excessive direct overlooking between the proposed apartments within the development.

- 12.7.18. The Planning Authority refer to the potential for excessive overlooking and loss of privacy between apartments off cores A and B to the apartment block, which could arise owing to a 10m separation distance between the secondary living-room window serving apartment A02.2 (core A) and the bedroom window serving unit B02.9 (core B) at second-floor level in the development. A similar situation would arise for the apartments in similar positions on the floors directly above. To address this, a condition should be attached requiring the east-facing window serving the living room space to apartment A02.2 and the windows in a similar position serving the seven apartments directly above, to be either omitted, fitted with opaque glazing or redesigned and repositioned at a high-level 1.8m above their respective internal finished-floor levels.

- 12.7.19. There are several situations within the proposed development where overlooking may arise from the terrace and balconies to neighbouring apartments, such as the adjoining balconies and terraces serving apartments B05.9 and B05.8. The

applicant has not provided any mitigation measures to safeguard privacy to an extent between these private amenity spaces and in similar circumstances, and I consider the provision of vertical screens should be incorporated into the proposals to address same. This can be undertaken as a condition for the entire proposed development in the event of a grant of planning permission arising.

12.7.20. In relation to the safeguarding of privacy at surface level, the Planning Authority refer to the need for either increased setbacks or additional landscaping fronting apartments B00.2 and B00.3. Based on the landscape plans submitted (drawing no.7159-XX-XX-DR-L-2000) I am satisfied that there would be sufficient defensible space for landscaping to be provided between the footpath and the subject patio spaces to safeguard the privacy of future residents of the apartments. Landscaping measures to form defensible space or use of opaque glazing for windows is provided for where external roof terrace areas adjoin the upper-level apartment windows.

Residents' Supports and Services

12.7.21. Under SPPR 7 of the New Apartment Guidelines, build-to-rent apartment schemes must provide resident support facilities related to the operation of the development. It is also necessary to provide resident services and amenities under SPPR 7 of the New Apartment Guidelines, while section 12.3.6 of the Development Plan requires similar internal facilities to be provided.

12.7.22. As part of the project, it is proposed to provide resident support services in the form of a postal storage area, waste and recycling storage areas, a bicycle repair area and on-site management staff areas. The applicant's proposed resident services and amenities would include a co-working space, two residents' lounge spaces and a gym. The applicant's Operational Management Plan outlines how these spaces, as well as the communal spaces, would be managed and operated. The Planning Authority' refer to the provision of 5sq.m per apartment of residents' support facilities and services as being compliant with section 12.3.6 of the Development Plan.

12.7.23. I am satisfied that the proposed communal facilities would be comparable with the provision in similar size recently permitted residential developments of this nature and would be suitable to serve residents of the development based on the relevant standards.

Communal Open Space

- 12.7.24. According to table 12.9 of the Development Plan and appendix 1 of the New Apartment Guidelines, the communal open space provision to serve the development should amount to a minimum of 5sq.m for the one-bedroom apartments and 7sq.m for the two-bedroom apartments. Based on the apartment mix only and these planning provisions, the proposed development would require 577sq.m of communal open space. According to the applicant, communal amenity areas would be provided generally in the form of courtyard spaces and external roof terrace areas amounting to 734sq.m. The location of the communal space would directly serve the residents of the apartment blocks and would be directly overlooked by these units. I am satisfied that the provision of communal open space would contribute to the amenities of future residents, in conjunction with the alternative public and private space provision proposed as part of the development.
- 12.7.25. Section 12.8.5.4 of the Development Plan refers to standards in providing roof gardens as part of developments, including limitation of no more than 30% of communal open space by way of roof gardens. The proposed development would fail to strictly align with this provision of the Development Plan; therefore, the applicant has addressed this matter further in their Material Contravention Statement. The Development Plan states that there may be certain instances, such as smaller town centre infill schemes where there is only scope for a roof garden. The subject infill scheme on a site identified in the Framework Plan for intensive development could reasonably be considered to be suitable solely for communal open space in the form of roof gardens. Consequently, I am satisfied that a material contravention of the Development Plan would not arise with respect to the proposed provision of roof gardens to serve the development.
- 12.7.26. There is variety in the function and appearance of the courtyard communal spaces, including the soft landscaping and seating. For child safety purposes the Planning Authority has sought a revised boundary treatment for the tenth-floor roof terrace, which accommodates a play area, with a 1.4m-high glass balustrade on the building edge. I do not consider the provision of a play area at tenth-floor level to be practical or necessary, given the tenure and mix of the proposed development and the provision of a play area at podium level. Accordingly, with the omission of the play area at this level, a revised boundary to the tenth-floor roof terraces would not

appear necessary to attach. The Planning Authority has sought details of the play equipment proposed for the play area, which I am satisfied would be reasonable to provide in response to a condition should permission be granted for the proposed development. Apart from the fifth-floor external roof terrace, over half of each of the communal areas would receive at least two hours of sunlight on the spring equinox, which would exceed the minimum requirements set out within the BRE 209 Guide and the Development Plan. While I note the shortfall in sunlight to the fifth-floor roof terrace, this space would receive sunlight during summer months and it would be supplemented by the other alternative terraces. In conclusion, I am satisfied that the communal open space proposed would provide a reasonable level of amenity for future residents of the apartments based on the relevant applicable standards.

Childcare Facility

- 12.7.27. The observers assert that the proposed development would materially contravene the provisions of the Development Plan and the Framework Plan with respect to childcare provision and the Elected Members of the Planning Authority raise the absence of a childcare facility from the development as a matter of concern. Policy objective PHP6 of the Development Plan looks to provide childcare facilities in new residential developments subject to demographical and geographical criteria. According to the Development Plan, the provision of childcare facilities should be based on the 'Childcare Facilities - Guidelines for Planning Authorities' (2001), which recommend one childcare facility for every 75 residential units.
- 12.7.28. Based on a demographic profile of the area and the provisions within the New Apartment Guidelines and the Childcare Facilities Guidelines, including an allowance to omit the 65 proposed one-bedroom units from calculations, the applicant asserts that the development would generate a requirement for seven childcare spaces, which the applicant asserts could fall further based on the actual take up of these spaces. Ten childcare facilities have been identified by the applicant within 2km of the application site, although the applicant states that it was not possible to check for availability in these facilities at the time of preparing the application.
- 12.7.29. The Planning Authority recognise that the development would be unlikely to attract a substantive requirement for childcare spaces, while acknowledging that a childcare facility would not be necessary as part of the proposed development. Dun

Laoghaire-Rathdown County Childcare Committee has not responded to consultation regarding the application. I am satisfied that based on the information presented and available, the proposed development would not place significant demands on childcare spaces in the area and the proposed development would comply with policy objective PHP6 of the Development Plan, as well as the provisions of the New Apartment Guidelines and the Childcare Facilities Guidelines. There is scope within the Development Plan for residential developments not to be provided with childcare facilities and I am satisfied that the proposed development would not materially contravene the provisions of the Development Plan with respect to childcare facilities.

Schools and Support Facilities

12.7.30. Within their Statement of Consistency, the applicant refers to four schools in the immediate area to the application site and the low number of school-going children that are anticipated to reside in the proposed scheme. Increased housing in locations such as this, ensure the efficient and increased use of existing and planned services in a formal manner, including schools, sports clubs and other social and physical infrastructure. Such services are dependent on a critical mass of population to justify the establishment of additional services or for them to remain viable. In the immediate and wider environs of the site there are schools, shops, retail services and medical facilities, all of which would benefit from the development. The proposed development would feature residential amenity facilities on site and is highly accessible via public transport. In conclusion, supporting infrastructure and services required by the development would be largely available in the immediate area, the proposed development would support maintaining these services and as demand increases other additional supports to serve the development would become viable.

Waste and Recycling Management

12.7.31. The Operational Waste Management Plan submitted with the application identifies the likely volumes and types of waste and recycling that would need to be managed on site based on the nature and scale of the proposed development and planning policy. Drawings have been submitted identifying the location of the bin stores to serve residents of the apartments. One secure communal bin store is proposed at

undercroft level, as well as a bin collection area close to the vehicular entrance area. I am satisfied that sufficient provision for waste and recycling collection, comparable with developments of a similar scale and nature, would be provided as part of the development and in line with the New Apartment Guidelines. Given the position of the waste and recycling collection area and the limited need to service this facility, further details such as swept-path analysis drawings for a refuse collection vehicle, as sought by the Planning Authority, would not be necessary. Final details relating to waste and recycling management can be provided as a condition in the event of a grant of planning permission.

Building Lifecycle and Management

12.7.32. As required within the New Apartment Guidelines, a Building Lifecycle Report assessing the long-term running and maintenance costs and demonstrating the measures that have been considered by the applicant to manage and reduce costs for the benefit of residents of the proposed apartments, has been included with the planning application. Various energy efficiency measures are listed, as are proposals with respect to the management and maintenance of the development. To identify measures reducing energy usage and carbon emissions, a Part L Planning Compliance report has also been submitted with the application considerate of the EU Energy Performance of Buildings Directive, the Building Regulations Technical Guidance Document Part L (nearly-zero energy buildings) and the Planning Authority's strategy for sustainable design. The Planning Authority assert that the applicant has demonstrated regard for the relative energy cost and expected embodied carbon emissions over the lifetime of the development and I am also satisfied that this would be the case. Prior to the lease of individual apartments, the developer would have to achieve compliance with the terms of the Multi-Unit Development Act 2011, inclusive of the establishment of a development specific Owners' Management Company.

Conclusion

12.7.33. In conclusion, subject to conditions, I am satisfied that the proposed development would provide a quality and attractive mix of build-to-rent apartments, meeting the relevant design standards and providing a suitable level of amenity for future residents.

12.8. Traffic and Transportation

- 12.8.1. The Planning Authority do not object to the proposed traffic and transport impacts, although they do require compliance with various standard conditions, including those relating to the completion of certain works and compliance with specific standards.

Access

- 12.8.2. The observers assert that the application fails to prove that the proposed development would be sufficiently served with respect to public transport. I have addressed the provision of public transport services in this area in section 12.3 of this report when considering the density of the development, which indicated that sufficient information is available to conclude that the future occupants of the proposed development would be a reasonable walking distance of a high-capacity urban public transport stop and within easy walking distance of a high-frequency urban bus service. Technical information to the contrary of this has not been provided by parties to the application.
- 12.8.3. The sole vehicular access to serve the proposed development would be from the approximate location of the existing vehicular access to the site on Ravens Rock Road; a road that accommodates less traffic than Carmanhall Road. To conform with the DMURS requirements, sightline visibility distances of 23m in length are illustrated by the applicant on their Site Access and Visibility Splay drawing (no.RR-CSC-XX-XX-DR-C-0006 P3). The applicant's DMURS Statement of Consistency refers to the layout being designed for a 30km/hr speed limit restriction. At present on-street parking is available fronting the site along Ravens Rock Road, which may intermittently restrict visibility at the entrance onto the public road. Notwithstanding this, the proposed development would primarily only provide for an upgrade of the existing vehicular access for a reduced number of car parking spaces and the Planning Authority has not objected to the proposed access arrangements. The applicant has provided details of swept-path analysis for cars and a light van entering and exiting the development. The vehicular access arrangements would be capable of serving the proposed development in a safe and convenient manner.
- 12.8.4. Footpaths alongside landscaped verges would be provided as part of the development and the applicant has provided a quality audit drawing indicating

technical requirements and amendments to the development layout, particularly at the site entrance, to address pedestrian and traffic safety. The Planning Authority has referred to the potential for minor adjustments to the development layout to be required with respect to the Sandyford cycle improvement scheme along Carmanhall Road, which is the subject of a Part 8 application. Based on the submitted Landscape Masterplan (drawing no. 7159-XX-XX-DR-L-2000), the proposed development would tie in with the Sandyford cycle improvement scheme, albeit with some minor amendments needed to the layout along the northeastern corner of the site to facilitate the footpath aligning with a proposed raised table crossing point along Ravens Rock Road. This can be addressed as a condition of the permission, should same arise.

- 12.8.5. Underground infrastructural upgrade works connecting to services on Arkle Road to the northeast of the site are proposed along the public roads. The proposed development would not appear to impact in a substantive manner on road traffic. The Planning Authority and TII has requested the attachment of a supplementary development contribution condition under section 49 of the Act of 2000, which would appear appropriate to apply based on the terms of the Section 49 Levy Scheme for the Light Rail Extension of LUAS Line B1 - Sandyford to Cherrywood.

Parking

- 12.8.6. The observers assert that the proposed development would materially contravene the provisions of the Development Plan and the Framework Plan with respect to car parking. The Elected Members raise concerns regarding the provision of car parking for residents and visitors to the development. The subject application proposes a total of ten car parking spaces to serve the development, which would all be at undercroft level. One car parking space would feature access for persons with a disability and the applicant refers to the remaining nine car parking spaces as being allocated for a residential car-share scheme. According to the Traffic and Transport Statement submitted, all spaces would feature electric-vehicle charging points. Two motorcycle parking spaces are also proposed. The applicant addresses the potential for the Board to consider the subject proposals to materially contravene the car parking standards of the Development Plan. To justify the proposed car parking provision the applicant asserts that it would be appropriate with reference to the maximum Development Plan and Framework Plan standards allowing for up to 68

car parking spaces to serve the development and the provisions of the New Apartment Guidelines seeking to minimise car parking provision in large-scale, high-density apartment developments that are in central and /or accessible urban locations.

- 12.8.7. The New Apartment Guidelines advocate the consideration of reduced overall car parking in urban locations served by public transport or close to urban centres, particularly in high-density residential developments with a net density of greater than 45 units per hectare. SPPR 8(iii) of the New Apartment Guidelines requires minimal or significantly reduced car parking provision for built-to-rent developments given that they feature strong central management regimes and as they are more suitable in central locations and/or in proximity to public transport services. An Operational Management Plan and a Residential Travel Plan has been provided with the application, including the various measures to influence use of more sustainable modes of transport and control car parking for residents only as part of the development. The submitted Traffic and Transport Statement refers to the low car ownership per household in the immediate area of the site based on central statistics office data, while asserting that the reduced level of parking is consistent with Government policy in the NPF and the Climate Action Plan 2021, supporting a shift to more sustainable modes of transport.
- 12.8.8. I am satisfied that car parking standards below the maximum Development Plan and Framework Plan standards for the proposed development would be reasonable, given the site location relative to public transport services and the stated provisions of SPPR 8 of the New Apartment Guidelines, as well as acknowledgement in section 12.3.6 of the Development Plan regarding the potential for derogations to apply for car parking standards in build-to-rent developments. The proposed development could not be reasonably considered to contravene the Development Plan or the Framework Plan given these provisions. Based on the information submitted with the application, I am satisfied that with the implementation of a Residential Travel Plan and submission of further details with respect to the car-share scheme, a sustainable approach to car parking provision would be provided for to serve the proposed development.
- 12.8.9. The proposed development would feature a secure cycle parking area with bicycle repair area at undercroft level with access via the vehicular route off Ravens Rock

Road. This facility would have capacity for 184 bicycles according to the applicant, while an additional 50 short-stay visitor cycle parking stands would be distributed fronting the development onto Carmanhall Road and Ravens Rock Road. The Planning Authority accept that an adequate level of cycle parking spaces would be provided as part of the proposed development, although they raise some concerns with respect to the access to the undercroft cycle area, which would be impeded by the vehicle set down space. I am satisfied that the access to the undercroft cycle parking area can be repositioned to avoid being impeded by the set down space. Site constraints and the capability to develop the site at a sustainable level would impede scope for the set down space to be formally relocated fronting the site, including along Ravens Rock Road where on-street car parking is available. The Planning Authority also raise concerns regarding the provision of cycle spaces within the proposed public open space adjacent to Carmanhall Road. Given the surplus provision of cycle parking relative to the standards, I am satisfied that the cycle parking within the public open space can be omitted. I am satisfied that these matters can be addressed as a condition in the event of a grant of planning permission for the proposed development. Visitor or short-stay cycle parking spaces would be available close to the main entrance to the building on Ravens Rock Road.

Traffic

12.8.10. The Traffic and Transport Assessment included as part of the application provides details of the number of vehicular trips anticipated for the development based on the quantum and typology of units proposed. As the development would be served by nine car-share spaces and one space for persons with a disability, the applicant asserts that only two car trips would be generated during peak hours. The additional traffic arising on the local road network would not be likely to exceed 10% of the background levels and based on the Traffic and Transport Assessment Guidelines (TII, 2014), further assessment of traffic impacts on neighbouring junctions would not be necessary.

12.8.11. The site is located on zoned lands with reasonable access to an array of services. The proposed development would provide for a substantive scale of development, replacing existing commercial buildings. The proportional change in vehicular traffic during operational peak hours would not be likely to increase substantively on the neighbouring road network as a result of the proposed development based on the

existing extent of car parking on site, the nature of the existing and proposed uses and the proposed provision of car parking.

Conclusion

12.8.12. In conclusion, subject to conditions, suitable access would be provided to the proposed development, significant traffic congestion in the wider area would not be likely to arise from the proposed development and it would feature an appropriate provision of parking.

12.9. Services and Drainage

12.9.1. The observers assert that the application fails to prove that the subject proposed development would be sufficiently served with respect to drainage, water services and flood risk. The application was accompanied by an Engineering Services Report and this sets out how water supply and drainage services would be provided for the development.

Water Supply

12.9.2. According to the applicant, there is an existing 150mm-diameter watermain running along Ravens Rock Road, which the proposed development would connect into. This watermain connects into a 350mm-diameter watermain running along Carmanhall Road. In their Engineering Services Report the applicant estimates the expected total water supply demand arising from the proposed development based on an occupancy of 273 persons. Uisce Éireann, who maintain and manage this infrastructure, has confirmed that a connection to their supply network can be made, subject to compliance with standard requirements. The Planning Authority note the water supply proposals and the confirmation received from Uisce Éireann acknowledging feasibility of the development to connect to same.

Wastewater Services

12.9.3. According to the applicant there is an existing 225mm diameter foul sewer running along Ravens Rock Road to the east of the subject site. The proposed development would drain by gravity to a new 225mm-diameter foul sewer to be placed under Ravens Roack Road, which would subsequently traverse Carmanhall Road to the existing public sewer running along Arkle Road. This sewer would ultimately

discharge foul water from the development to the Ringsend Wastewater Treatment Plant (WWTP) based on the details contained in the applicant's AA Screening Report. According to the applicant a pre-connection enquiry was submitted to Uisce Éireann based on foul water flows for 101 apartments. Uisce Éireann responded to consultation relating to the application, confirming that a wastewater connection would be feasible without an infrastructure upgrade and that at present there is capacity in the network on Arkle Road to accommodate the proposed development. If the connection cannot be made to this network, then upgrades would be required.

Drainage

- 12.9.4. Within their Engineering Services Report the applicant sets out that the hardstanding areas on the site currently drain into a 300mm-diameter stormwater sewer running along Ravens Rock Road. The existing drainage system would be removed as part of the development and a new network installed limiting the stormwater discharge to greenfield runoff rates. The attenuation volume has been sized to cater for 1 in 100-year storm events and a 20% freeboard for climate change effects. Green roofs and landscaping measures would be incorporated into the proposals as part of the interception storage measures forming part of the surface water drainage proposals. The Elected Members of the Planning Authority raise concerns regarding the extent of green roofs proposed. The applicant asserts that 60% of the roof area within the development would comprise green roofs, however, the Planning Authority require this to be amended to provide for 70% coverage by extensive-type green roofs or 50% coverage by intensive-type green roofs based on the terms of the Council's green roof guidance document appended to the Development Plan. Non-compliance with this standard within a guidance document appended to the Development Plan could not reasonably be considered to materially contravene policy within the Development Plan, and revised green roof proposals to align with the provisions of the guidance document can be requested as a condition in the event of a grant of planning permission for the proposed development.
- 12.9.5. The SUDS measures have been designed to ensure runoff is designed in accordance with the standards outlined in the Greater Dublin Strategic Drainage Study – Regional Drainage Policies Technical Document - Volume 2 New Development and other documents. A Stormwater Audit (Stage 1 and 2) has been included as appendix E to the Engineering Services Report. Notwithstanding this,

further standard stormwater audits can be requested via condition to ensure the satisfactory undertaking and operation of the installed system.

Flood Risk

- 12.9.6. The applicant submitted a Site Specific Flood Risk Assessment with the application indicating that the site was not at significant risk of flooding and asserting that the proposed site drainage measures would not adversely affect the public drainage system or contribute to downstream flooding. Following the approach set out within 'The Planning System and Flood Risk Management – Guidelines for Planning Authorities', the site is within an area of low probability for flooding (flood zone C) and the proposed residential development is 'less vulnerable' and therefore appropriate for the site.

Conclusion

- 12.9.7. In conclusion, I consider the water supply, wastewater and surface water drainage proposals to serve the subject development to be satisfactory, subject to conditions. The proposed development would not be at substantive risk of flooding and it would not present substantive risk of flooding to other lands with SUDS measures provided for, including stormwater interception storage.

12.10. Natural and Built Heritage

Local Ecological Impacts

- 12.10.1. This site lies within an urban area and current land uses in the vicinity are detailed in section 2 above. The observers assert that the application does not permit an assessment of the potential environmental impacts of the proposed development. An Ecological Impact Assessment dated March 2022 was submitted with this application referring to site surveys undertaken in April 2021, October 2021 and January 2022. The Planning Authority refer to the Board as the competent authority for ecological impact assessment and they request that the recommendations contained in the submitted Ecological Impact Assessment be implemented in full. The applicant's Assessment outlines the habitats and species identified on site during surveys, as well as referring to designated sites for nature conservation in the vicinity, including Fitzsimon's Wood proposed Natural Heritage Area (pNHA) (site code: 001753) located 1.6km to the west of the application site. FitzSimons Wood is

a semi-natural woodland that holds species of plants and animals whose habitat need protection, including Smooth Newt.

12.10.2. The site is stated by the applicant to be dominated by buildings and artificial surfaces (BL3) with treelines (WL2) and amenity grassland (improved) (GA2) habitats. It features numerous trees and hedgerows, three of which would be removed as part of the proposed development, and these are primarily located along the northern side of the site. A detailed list of species and their conditions is provided in the applicant's Arboricultural Assessment. No Annex I habitats were recorded within the application site during the applicant's habitat surveys, while Rook and Herring Gull were observed on the roof of the building on site in groups of two to four birds. Limited potential for the site to be frequented or utilised by mammals, excluding bats, is asserted by the applicant. Invasive species were not recorded on site. Concerns are expressed by observers regarding the potential for the proposed development to result in collision risk for birds and bats.

12.10.3. The site is of negligible to low ecological value. To address potential impacts of the project on local ecology, the applicant sets out various avoidance, remedial and alleviation measures to address the negative impacts, including limiting dust and noise emissions, the control of surface water runoff, the need for ecological monitoring of vegetation removal and timing of such works to avoid the nesting season. Bird boxes or bricks would be provided in landscaped areas. As the proposed building would not wholly comprise of reflective materials, the proposed building, which is not located along a typical commuting or foraging route for birds, is not considered to pose a significant risk of collision for birds. According to the applicant, any bird species using the areas neighbouring the planning application site, including the South Dublin Bay and River Tolka Estuary SPA and the Dalkey Islands SPA, will adapt to the changing nature of the site as the construction phase progresses and for this reason the risk of bird collisions is negligible. This would appear a reasonable assertion and I am not aware of any other information to the contrary. After alleviation, the applicant asserts that no significant negative residual effects are likely to arise for biodiversity from this project. Based on the information submitted and with the implementation of the identified alleviation measures, I am satisfied that the residual impact of the project on local ecology would be no more

than moderate negative. Specific impacts on bats and trees are examined under separate subheadings below.

Bats

12.10.4. All Irish bats are protected under national (Wildlife Acts, 1976-2012) and EU legislation (under Annex IV of Habitats Directive, with Lesser Horseshoe Bat included under Annex II also). A bat survey was undertaken during the beginning of peak season for bat activity in April 2021 and this identified that the building on site was of negligible suitability for roosting bats, with no bats recorded entering or emerging from the building on site. According to the Ecological Impact Assessment submitted with the application, two species of bats were identified foraging or commuting through the site, but the level of bat activity was low. According to the applicant, a dead Beech tree on site may potentially provide habitat for bats.

12.10.5. To comprehensively address the potential for impacts to bats at construction stage, the felling of trees would be undertaken at prescribed times and in a sensitive manner following resurveying for bats, with further mitigation should roosting bats arise. To avoid displacement of commuting or foraging bats, the applicant proposes to incorporate bat-sensitive lighting as part of their proposals. I am not aware of information to suggest that the introduction of a taller building to a site in an urban context such as this, would result in a substantive collision or flight risk for bat populations. Accordingly, given the low level of bat activity observed on site and the limited scope for roosting bats, I am satisfied that, subject to the stated measures being implemented in full, there would not be a significant adverse impact on bat populations, as a result of the proposed development.

Trees

12.10.6. The Chief Executive Officer from the Planning Authority welcomes measures by the applicant to maintain trees on site, which are considered to make a positive contribution along Carmanhall Road. Following a tree survey, three of the 15 trees or hedgerow belts on site were identified for removal, and these would comprise a poor-quality leylandii cypress tree, a poor-quality hedgerow and a dead beech tree. Two of the trees for removal are listed by the applicant's arborist as category 'U' trees, which are trees in such a condition that any existing value would be lost within ten years, while one tree to be removed is listed as a category 'C' tree, which is a

tree of low quality with an estimated remaining life expectancy of at least ten years. The applicant's proposals would maintain seven silver maple, four oak and one beech tree, with three of the identified oak trees in the foremost condition. The approach taken as part of the project is to maintain as much of the perimeter tree vegetation as possible, as this vegetation has the greatest value for the streetscape. Additional planting in the form of hedges, shrubs, lawn areas and wildflower mixes would be planted along the roadside boundaries of the site, as illustrated and listed on the Landscape Plan drawing (no. 7159-XX-XX-DR-L-2000).

12.10.7. I am not aware of any tree preservation orders applying to this site. There is an objective to preserve trees and woodlands on site, which appears to relate to the four oak and two silver maple trees closest to the northeast corner of the site, which I consider to be the most visually impressive of the trees on site. Notwithstanding this, the Parks Department from the Planning Authority recommended refusal of planning permission partly due to the potential impacts on tree root protection areas, the tree protection mitigation measures and the loss of sunlight to trees. Within their arboricultural assessment and associated drawings, the applicant has provided detailed measures to be undertaken as part of the construction phase of the project, including tree protection measures, root protection zones and a construction method statement. The applicant has also addressed the potential for the proposed building to restrict direct sunlight to the trees to be maintained, highlighting that there is no known research available that addresses the impact of buildings in shading trees, noting that it is not a significant consideration that is referenced within the BS5837:2012 - Trees in Relation to Design, Demolition and Construction to Construction – Recommendations. Based on the information presented and available and given the position of trees in very similar situations within urban landscapes, I am satisfied that the applicant has taken all reasonable measures to address the potential impacts to the trees to be maintained on site and the proposals would comply with the tree / woodland preservation objective in the Development Plan for this site.

Archaeology and Heritage

12.10.8. Policy objectives HER1 and HER2 of the Development Plan aim to protect and preserve archaeological sites. The application site is not located within an area of archaeological potential identified in the Development Plan and it is not featured in

the Record of Monuments and Places (RMPs). An archaeological assessment was submitted as part of the application and this provides an overview of archaeological features and archaeological investigations undertaken in the immediate area. It also outlines the results of a field survey, asserting that no features of archaeological potential were identified during the inspection and the site was deemed to possess no archaeological potential. The closest archaeological site is a castle (DU023-045) located approximately 500m to the northeast of the application site. The closest RMP consists of a fulacht fia (DU022-109), which is located approximately 775m to the southwest of the site. I am satisfied that given the present developed nature of the site, the proposals to redevelop the site would not give rise to a situation that would preclude the granting of permission for substantive archaeological reasons and the proposed development would not be contrary to Development Plan policy objectives HER1 and HER2.

12.10.9. The observers refer to the proposals as materially contravening the provisions of the Development Plan or the Framework Plan with regard to an Architectural Conservation Area (ACA) designation. The site is not within or within a reasonable distance of an ACA, therefore, I fail to see how this could be considered to arise.

12.11. Procedural Matters

- 12.11.1. The observers have questioned the constitutional basis of the Building Heights Guidelines and the New Apartment Guidelines, including their respective SPPRs, asserting that the Board should refuse to consider and cannot grant permission for the proposed development if relying on these Guidelines. In this regard I note the High Court Judgement (ref. [2023] IEHC 178) delivered in April 2023 dismissing a Judicial Review on similar grounds. I am not aware of this High Court Judgement being appealed further. Notwithstanding this, the constitutional basis of national planning guidelines is beyond the scope of this assessment.
- 12.11.2. The observers also assert that the application, including the applicant's planning report, is contrary to planning legislation, including the EIA Directive, and that the applicant has provided insufficient and inadequate information with respect to risk to human health, pollution, construction phase impacts, collision-risk for birds and bats, and the general impact on biodiversity and human health arising from the proposed development. Arising from the various assessments above and in the proceeding

sections of my report, I am satisfied that sufficient information has been presented with the application to allow for thorough and comprehensive assessments of the impacts of the proposed development.

12.11.3. The observers assert that certain matters should not be left over for agreement following the decision or determination with the assigned development contractor, due to concerns regarding public participation, which would be contrary to the requirements of the EIA Directive. The imposition of limits by conditions in any grant of permission, as set out below, is a typical, well-established statutory planning measure used in reinforcing the preservation of human health and the environment, as well as other measures where such conditions would not have material impacts on third parties.

12.12. Material Contraventions

12.12.1. Under the provisions of section 9(6) of the Act of 2016, the Board may decide to grant a permission for a proposed strategic housing development where the proposed development, or a part of it, contravenes materially the Development Plan relating to the area concerned, albeit with exception to a material contravention of land-use zoning objectives and subject to circumstances provided for under section 37 of the Act of 2000, as outlined below.

12.12.2. The application contains a statement indicating why permission should be granted for the proposed development, having regard to the provisions specified in section 37(2)(b) of the Act of 2000, notwithstanding that the proposed development materially contravenes the Dun Laoghaire-Rathdown County Development Plan 2022-2028 with regard to specific statutory planning requirements, other than in relation to the zoning of the land. The Dun Laoghaire-Rathdown County Development Plan 2022-2028 was in draft format when the applicant was preparing their Statement. For reasons outlined above in section 12.2, I am satisfied that a material contravention with respect to current land-use zoning objectives would not arise in the case.

12.12.3. The applicant addresses the potential for material contraventions to arise with respect to the proposed development and Development Plan provisions relating to unit mix, phasing, dual aspect units, external storage, car parking and roof gardens.

For reasons outlined above, I am satisfied that material contraventions would not arise regarding these matters. The observers also refer to the potential for material contraventions to arise with respect to the proposed development and the unit mix, public open space, car parking, childcare facilities, ACA impacts and the visual impact. For reasons outlined above, I am satisfied that material contraventions would not arise regarding these matters.

12.12.4. As outlined in the assessment above, I am satisfied that material contraventions of the Development Plan could reasonably be considered to arise with respect to the proposed building height and development density. The applicant addresses non-compliance of the proposals with these matters in their Material Contravention Statement and in such a situation it is open to the Board to consider the proposal in terms of material contravention procedures.

12.12.5. Section 37 of the Act of 2000 provides that the Board is precluded from granting permission for development that is considered to be a material contravention, except in circumstances where at least one of the following applies:

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

12.12.6. Observers assert that the proposed development is not of strategic or national importance. While I accept that the proposed development would contribute to the achievement of the Government's national policy to increase housing supply within the Dublin metropolitan area, as set out in 'Housing for All – A New Housing Plan for Ireland' (2021) and 'Rebuilding Ireland – Action Plan for Housing and Homelessness' (2016), given the extent of similar permitted and proposed developments in the

immediate area and the wider metropolitan area, I am satisfied that it would not be reasonable to conclude that the proposed development is of strategic or national importance. Accordingly, I am satisfied that the provisions set out under section 37(2)(b)(i) are not applicable with respect to the material contravention of the building height and density provisions outlined in the Development Plan and the accompanying Sandyford Urban Framework Plan.

12.12.7. In relation to the matter of conflicting objectives in the Development Plan or objectives that are not clearly stated, as addressed in section 37(2)(b)(ii) of the Act of 2000, I am satisfied that this would not apply in this case, as the building height provisions and density provisions are clearly stated for the application site in the Sandyford Urban Framework Plan and these requirements are not specifically contradicted elsewhere in the Development Plan or the accompanying Framework Plan.

12.12.8. With regard to section 37(2)(b)(iii), as per my detailed assessments in sections 12.3 and 12.4 above, I am satisfied that the building heights for the proposed development would be in accordance with national policy, as set out in the NPF, specifically NPOs 13, 33 and 35, and regional policy, as set out in RPOs 3.3 and 5.4. Furthermore, the proposed building height would be in compliance with SPPR 3(a) of the Building Heights Guidelines, which references criteria set out in section 3.2 of these Guidelines and the development density would be in compliance with the New Apartment Guidelines and the Sustainable Residential Development Guidelines based on the site location relative to public transport services and other services. Having regard to the provisions of section 37(2)(b)(iii) of the Act of 2000, I am satisfied that a material contravention of the Development Plan with respect to building height and development density is justified in this case when considering guidelines under section 28 and policy of the Government set out in the NPF and the RSES.

12.12.9. In relation to section 37(2)(b)(iv) of the Act of 2000, I note that that there has been recently approved planning permissions for developments comprising 14 to 15 storeys on the former Siemen's site (ABP ref. 311722-21) located approximately 160m to the north of the application site, five to 17 storeys on the former Aldi-supermarket site (ABP ref. 305940-19) located approximately 130m to the northwest on Carmanhall Road and five to 14 storeys on a site known as Rockbrook (ABP ref.

304405-19) approximately 210m to the northwest of the application site on Carmanhall Road. The net residential densities permitted for these developments include 711 units per hectare (ABP ref. 311722-21) on the former Siemen's site, 366 units per hectare (ABP ref. 305940-19) on the former Aldi-supermarket site and 255 units per hectare (ABP ref. 304405-19) on the Rockbrook site. The proposed development featuring 11 storeys and a density of 454 units per hectare is to an extent continuing on the pattern of development in the immediate area, therefore, the provisions under section 37(2)(b)(iv) of the Act of 2000 apply with respect to the proposed development materially contravening the building height and development density provisions of the Development Plan. Should the Board be minded to invoke the material contravention procedure, as relates to Development Plan policies pertaining to building height and development density, I consider that the provisions of sections 37(2)(b)(iii) and (iv) have been met. In this regard I am satisfied that the Board can grant permission for the proposed development.

13.0 Environmental Impact Assessment Screening

- 13.1.1. The applicant has addressed the issue of EIA within an EIA Screening Report, which contains information to be provided in line with Schedule 7A of the Planning Regulations. I have had regard to same in this screening assessment. The information provided by the applicant identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment in order to enable a comprehensive consideration of the proposals. Where an application is made for subthreshold development and Schedule 7A information is submitted by the applicant, the Board must carry out a screening determination, therefore, it cannot screen out the need for EIA at preliminary examination.
- 13.1.2. Even though the proposed development is subthreshold for the purposes of EIA, the observers assert that it should be subject of EIA. The observers' submission also refers to an EIAR submitted with the application failing to provide a comprehensive cumulative impact assessment of the proposed development, including other strategic housing developments. An EIAR was not submitted with the application.

13.1.3. This proposed development is of a class of development included in Schedule 5 to the Planning Regulations. Schedule 5 to Part 2 of the Planning Regulations provides that mandatory EIA is required for the following classes of development:

- Class 10(b)(i) construction of more than 500 dwelling units,
- Class 10(b)(iv) urban development, which would involve an area greater than 2 ha in the case of a business district*, 10 ha in the case of other parts of a built-up area and 20 ha elsewhere.

*a 'business district' means a district within a city or town in which the predominant land use is retail or commercial use.

13.1.4. Class 14 of Part 2 to Schedule 5 of the Planning Regulations provides that mandatory EIA is required for:

- 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.

13.1.5. The development would provide for the demolition of a commercial building and the construction of 101 build-to-rent apartments in an 11-storey building served by residents' support facilities, amenities and associated infrastructural works, including a new foul sewer connection to an existing foul sewer on Arkle Road, all on a gross site measuring 0.31ha in a business district within a built-up urban area. The net proposed residential area of the development site is stated to amount to 0.22ha. Having regard to classes 10(b)(i) and 10(b)(iv) of Schedule 5 to Part 2 of the Planning Regulations, the proposed development is subthreshold in terms of the mandatory submission of an EIA. The nature and the size of the proposed development is below the applicable 'class 10(b)' thresholds for EIA. Further consideration with respect to 'class 14' demolition works is undertaken below.

13.1.6. The criteria within Schedule 7 to the Planning Regulations are relevant in considering whether this proposed development would be likely to have significant effects on the environment that could and should be the subject of EIA. The residential use proposed would be in keeping with the intention to develop the area intensively for mixed uses, including residential purposes. The proposed development would not increase the risk of flooding and it would not give rise to

significant use of natural resources, the production of waste, pollution, nuisance or a risk of accidents. The existing commercial use of the site is noted, and significant constraints in developing the site at the scale proposed have not been identified. The development would be served by municipal foul wastewater drainage and water supplies. Recorded monuments or places of cultural heritage value have not been identified on the site. The site is not subject to any architectural or nature conservation designation and does not support substantive habitats or species of conservation significance, as highlighted in the applicant's Ecological Impact Assessment and addressed in section 12.10 above. Mature trees on site would be maintained and protected as part of the proposed development. Connectivity of the site with protected areas and their associated qualifying interest species is considered further below in section 14 of this report.

13.1.7. The reports submitted with the application, as listed in section 3.3 above, address a variety of environmental issues and the environmental impacts of the proposed development. The reports demonstrate that, subject to the various recommended construction and design-related mitigation measures, the proposed development would not have a significant impact on the environment. I have had regard to the characteristics of the site, the location of the proposed development, and the type and characteristics of the potential impacts. Having regard to the Schedule 7A information, I have examined the sub-criteria and all submissions, and I have considered all information that accompanied the application, including the following:

- EIA Screening Report;
- AA Screening Report;
- Ecological Impact Assessment;
- Statement of Consistency;
- Architectural Design Statement;
- Engineering Services Report;
- Outline Construction Management Plan;
- Outline Construction Environmental Management Plan;
- Hydrological and Hydrogeological Qualitative Risk Assessment;

- Traffic and Transport Statement;
- Ground Investigation Report.

13.1.8. In addition, noting the requirements of article 299B(1)(b)(ii)(II)(C) of the Planning Regulations, the applicant has provided a statement indicating how the available results of other relevant assessments have been taken into account on the effects of the project on the environment carried out pursuant to European Union (EU) legislation other than the EIA Directive. In this regard I note the following EU Directives are directly addressed by the applicant in their 'Relevant Assessments Regulation 299B Statement' or within the application documentation:

- Directive 92/43/EEC – Habitats Directive;
- Directive 2009/147/EC – Birds Directive;
- Directive 2001/42/EC – Strategic Environmental Assessment Directive;
- Directive 2000/60/EC - Water Framework Directive;
- Directive 2008/98/EC - Waste Framework Directive;
- Directive 2012/18/EU - Seveso III Directive;
- Directive 2007/60/EC - Floods Directive;
- Directive 2008/50/EC - Ambient Air Quality / Clean Air for Europe Directive;
- Directive 98/15/EC - Urban Wastewater Treatment Directive
- Directive 2012/19/EU – Waste Electrical and Electronic Equipment Directive;
- Directive 2014/52/EU - Environmental Impact Assessment Directive;
- Directive 2010/31/EU – Directive on Energy Performance of Buildings.

13.1.9. The observers assert that the Board lacks the expertise or access to same in order to examine the EIA Screening Report, which they also consider not to comply with statutory requirements and to be inadequate, as it fails to assess the impact of the increased population on local services and in omitting details of the construction phase it is not based on a complete development description. As noted throughout this assessment various documentation has been provided as part of the application detailing the impact of the development on local services and how the construction of

the development would be undertaken, in order to consider whether significant effects on the environment would be likely to arise or not.

13.1.10. Under the relevant themed headings, the EIA screening information prepared by the applicant addresses the implications and interactions of the proposed development and concludes that the development would not be likely to have significant effects on the environment. I am satisfied that all other relevant assessments have been identified for the purposes of screening for EIA. I have had regard to all the reports detailed above and I have taken them into account in this assessment, together with the Strategic Environmental Assessment of the Development Plan. I am satisfied that the information required under article 299B(1)(b)(ii)(II) of the Planning Regulations has been submitted.

13.1.11. I have completed an EIA screening assessment of the proposed development with respect to all relevant considerations, as set out in Appendix A to this report. I am satisfied that the location of the project and the environmental sensitivity of the geographical area would not justify a conclusion that the proposed development would be likely to have significant effects on the environment. The proposed development does not have the potential to have effects that would be rendered significant by their extent, magnitude, complexity, probability, duration, frequency or reversibility, and this opinion extends to my conclusion that the proposed development is subthreshold in terms of the mandatory submission of an EIA based on class 14 of Part 2 to Schedule 5 of the Planning Regulations. In these circumstances, the application of the criteria in Schedule 7 of the Planning Regulations to the proposed subthreshold development demonstrates that it would not be likely to have significant effects on the environment and that an EIA is not required should a decision to grant planning permission for the project be arrived at. This conclusion is consistent with the EIA screening information submitted with the application. A Screening Determination can be issued confirming that there is no requirement for an EIA Report to be prepared for the project based on the above considerations.

14.0 Appropriate Assessment

14.1. Introduction

- 14.1.1. The requirements of Article 6(3) of the Habitats Directive, related to screening the need for appropriate assessment (AA) of a project under section 177U of the Act of 2000, are considered in the following section.

14.2. Compliance with Article 6(3) of the EU Habitats Directive

- 14.2.1. The Habitats Directive deals with the conservation of natural habitats and of wild fauna and flora throughout the EU. Article 6(3) of this Directive requires that any plan or project not directly connected with or necessary to the management of a European site, but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to an AA of its implications for the site, in view of the site's conservation objectives. The competent authority must be satisfied that the proposal would not adversely affect the integrity of a European site before consent can be given. European sites include SACs and SPAs forming part of the Natura 2000 network.

14.3. Stage 1 AA Screening

- 14.3.1. The applicant has submitted a document titled 'Appropriate Assessment Screening Report' dating from March 2022 and prepared by Enviroguide Consulting. This document provides a description of the site, the receiving environment and the proposed development, as well as identifying European sites within the possible zone of influence of the development.
- 14.3.2. In their AA Screening Report, the applicant concludes that, on the basis of objective scientific information, the possibility that the proposed development, either on its own or in combination with other plans or projects, having a significant effect on any European Site, can be excluded.

Site Location

- 14.3.3. A description of the site is provided in section 2 above and throughout the assessments above. The site comprises brownfield land and contains a commercial

building with associated made ground, mature trees, hedgerows and cut grass verges. The habitats recorded on site, as listed in the application Ecological Impact Assessment, are stated to comprise artificial surfaces (BL3) with treelines (WL2) and amenity grassland (improved) (GA2) habitats. No Annex I habitats were recorded within the site during the habitat surveys and no species listed for protection under the Habitats Directive or the Wildlife Act were recorded as using the site. Invasive species were not recorded on the site during surveys for the submitted Ecological Impact Assessment. The applicant's Hydrological and Hydrogeological Qualitative Risk Assessment sets out the surface water drainage regime in the area, highlighting that Carrickmines River located approximately 360m to the south is the closest substantial natural waterbody to the site, flowing southeast towards Dublin Bay within the Dargle River subcatchment. The closest waterbody within the Dodder River subcatchment, which the application site is situated within, is the Brewery Stream approximately 1km to the northeast flowing north to the coast at Blackrock on Dublin Bay. According to the Environmental Protection Agency (EPA), the quality of the Dublin Bay coastal waterbody is classified as 'good' and is 'not at risk' based on categorisation for the purposes of the Water Framework Directive (WFD).

Proposed Development

- 14.3.4. A detailed description of the proposed development is provided in section 3 above and expanded upon below where necessary. Details of the construction phase of the development are provided throughout the subject application documentation, including the Outline CEMP, the Outline CMP, the Ground Investigation Report and the Construction and Demolition Waste Management Plan. According to the applicant, foul wastewater from the operational phase of the proposed development would discharge to the public network for treatment at the Ringsend Wastewater Treatment Plant (WWTP). Following various standard practice construction site environmental management measures, as well as SUDS measures, surface waters would be discharged into the network running along Ravens Rock Road, which the applicant understands to flow toward the Brewery Stream. Ultimately the resultant treated wastewaters and surface waters from the proposed development would discharge to Dublin Bay.

14.3.5. The potential direct, indirect and secondary impacts that could arise as a result of the proposed works and which could have a negative effect on the qualifying interests of European sites, include the following:

- Construction Phase – demolition, surface water runoff, disturbance and emissions, including dust, noise and vibration;
- Operation Phase – disturbance, surface water runoff and emissions to water.

Submissions and Observations

14.3.6. The submissions and observations from observers, the Planning Authority and prescribed bodies are summarised in sections 9, 10 and 11 of this report. I have had regard to other relevant documentation included with the application, in particular the Outline CEMP and the Ecological Impact Assessment prepared by Enviroguide Consulting, the Outline CMP and the Engineering Services Report prepared by CS Consulting Group, and the EIA Screening Report prepared by AWN Consulting Engineers, all of which are dated March 2022. The observers refer to matters that they consider to result in shortcomings in the AA Screening Report and an inability to reach conclusions based on thorough assessment, including the construction phase impacts, as well as scientific expertise, analysis and lacunae. The Planning Authority refer to the Board as the competent authority for the purposes of AA in this case.

European Sites

14.3.7. The nearest European sites to the appeal site, including SACs and SPAs, comprise the following:

Table 5. European Sites

Site Code	Site Name / Qualifying Interests	Distance	Direction
004024	South Dublin Bay and River Tolka Estuary SPA <ul style="list-style-type: none"> • 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> [A149] 	3.6km	northeast

	<ul style="list-style-type: none"> • 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 [A193] • Arctic tern [A194] • Wetland and waterbirds [A999] 		
000210	<p>South Dublin Bay SAC</p> <ul style="list-style-type: none"> • 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] 	3.6km	northeast
002122	<p>Wicklow Mountains SAC</p> <ul style="list-style-type: none"> • Oligotrophic waters containing very few minerals of sandy plains (Littorelletalia uniflorae) [3110] • Natural dystrophic lakes and ponds [3160] • Northern Atlantic wet heaths with Erica tetralix [4010] • European dry heaths [4030] • Alpine and Boreal heaths [4060] • Calaminarian grasslands of the Violetalia calaminariae [6130] • Species-rich Nardus grasslands, on siliceous substrates in mountain areas (and submountain areas, in Continental Europe) [6230] • Blanket bogs (* if active bog) [7130] • Siliceous scree of the montane to snow levels (Androsacetalia alpinae and Galeopsietalia ladani) [8110] • Calcareous rocky slopes with chasmophytic vegetation [8210] • Siliceous rocky slopes with chasmophytic vegetation [8220] • Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0] • Lutra lutra (Otter) [1355] 	6.5km	south
004040	<p>Wicklow Mountains SPA</p> <ul style="list-style-type: none"> • Merlin (Falco columbarius) [A098] 	6.6km	south

	<ul style="list-style-type: none"> • Peregrine (<i>Falco peregrinus</i>) [A103] 		
000725	Knocksink Wood SAC <ul style="list-style-type: none"> • Petrifying springs with tufa formation (Cratoneurion) [7220] • Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0] • Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, Alnion incanae, Salicion albae) [91E0] 	7.2km	south
004172	Dalkey Islands SPA <ul style="list-style-type: none"> • A192 Roseate Tern (<i>Sterna dougallii</i>) • A194 Arctic Tern (<i>Sterna paradisaea</i>) • A193 Common Tern (<i>Sterna hirundo</i>) 	7.7km	east
003000	Rockabill to Dalkey Islands SAC <ul style="list-style-type: none"> • Harbour porpoise [1351] • Reefs [1170] 	8km	east
000713	Ballyman Glen SAC <ul style="list-style-type: none"> • Petrifying springs with tufa formation (Cratoneurion) [7220] • Alkaline fens [7230] 	8.2km	south
000206	North Dublin Bay SAC <ul style="list-style-type: none"> • 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 [1330] • Mediterranean salt meadows [1410] • Embryonic shifting dunes [2110] • Shifting dunes along the shoreline with marram grass <i>Ammophila arenaria</i> (white dunes) [2120] • Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] • Humid dune slacks [2190] • Petalwort <i>Petalophyllum ralfsii</i> [1395] 	8.6km	northeast
004006	North Bull Island SPA	8.6km	northeast

	<ul style="list-style-type: none"> • Light-bellied brent goose [A046] • Shelduck <i>Tadorna</i> [A048] • Teal <i>Anas crecca</i> [A054] • Pintail <i>Anas acuta</i> [A054] • Shoveler <i>Anas clypeata</i> [A056] • Oystercatcher [A130] • Golden plover <i>Pluvialis apricaria</i> [A140] • Grey plover [A141] • Knot [A143] • Sanderling [A144] • Dunlin [A149] • Black-tailed godwit <i>Limosa</i> [A156] • Bar-tailed godwit [A157] • Curlew <i>Numenius arquata</i> [A160] • Redshank [A162] • Turnstone <i>Arenaria totanus</i> [A169] • Black-headed gull [A179] • Wetland and waterbirds [A999] 		
001209	<p>Glenasmole Valley SAC</p> <ul style="list-style-type: none"> • Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) [6210] • Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) [6410] • Petrifying springs with tufa formation (Cratoneurion) [7220] 	10.4km	west
004025	<p>Malahide Estuary SPA</p> <ul style="list-style-type: none"> • A130 Oystercatcher (<i>Haematopus ostralegus</i>) • A005 Great Crested Grebe (<i>Podiceps cristatus</i>) • A162 Redshank (<i>Tringa totanus</i>) • A067 Goldeneye (<i>Bucephala clangula</i>) • A141 Grey Plover (<i>Pluvialis squatarola</i>) • A149 Dunlin (<i>Calidris alpina</i>) • A046 Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) • A054 Pintail (<i>Anas acuta</i>) • A048 Shelduck (<i>Tadorna tadorna</i>) • A069 Red-breasted Merganser (<i>Mergus serrator</i>) 	10.9km	north

	<ul style="list-style-type: none"> • A143 Knot (<i>Calidris canutus</i>) • A156 Black-tailed Godwit (<i>Limosa limosa</i>) • A140 Golden Plover (<i>Pluvialis apricaria</i>) • A157 Bar-tailed Godwit (<i>Limosa lapponica</i>) <p>Habitats</p> <ul style="list-style-type: none"> • Wetlands 		
000205	<p>Malahide Estuary SAC</p> <ul style="list-style-type: none"> • 1140 Mudflats and sandflats not covered by seawater at low tide • 1310 Salicornia and other annuals colonising mud and sand • 1330 Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>) • 1410 Mediterranean salt meadows (<i>Juncetalia maritimi</i>) • 2120 Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) • 2130 Fixed coastal dunes with herbaceous vegetation (grey dunes)* 	10.9km	north
000714	<p>Bray Head SAC</p> <ul style="list-style-type: none"> • Vegetated sea cliffs of the Atlantic and Baltic coasts [1230] • European Dry Heaths [4030] 	12km	southeast
004113	<p>Howth Head Coast SPA</p> <ul style="list-style-type: none"> • A188 Kittiwake (<i>Rissa tridactyla</i>) 	12.3km	northeast
002193	<p>Ireland's Eye SAC</p> <ul style="list-style-type: none"> • 1220 Perennial vegetation of stony banks • 1230 Vegetated sea cliffs of the Atlantic and Baltic coasts 	12.4km	northeast
000202	<p>Howth Head Coast SAC</p> <ul style="list-style-type: none"> • Vegetated sea cliffs of the Atlantic and Baltic coasts [1230] • European dry heaths [4030] 	12.7km	northeast
004117	<p>Ireland's Eye SPA</p> <ul style="list-style-type: none"> • A017 Cormorant (<i>Phalacrocorax carbo</i>) • A184 Herring Gull (<i>Larus argentatus</i>) 	14.2km	northeast

	<ul style="list-style-type: none"> • A188 Kittiwake (<i>Rissa tridactyla</i>) • A199 Guillemot (<i>Uria aalge</i>) • A200 Razorbill (<i>Alca torda</i>) 		
000199	<p>Baldoyle Bay SAC</p> <ul style="list-style-type: none"> • 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] 	14.3km	northeast
004016	<p>Baldoyle Bay SPA</p> <ul style="list-style-type: none"> • 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] 	14.3km	northeast

14.3.8. In determining the zone of influence for the proposed development I have had regard to the nature and scale of the project, the distance from the development site to European sites, and any potential pathways that may exist from the development site to a European Site. Table 2 of the application screening report identifies the potential links from European sites to the appeal site. Distances and direction from the site to European sites are listed in table 5 above. I do not consider that any other European Sites other than those identified in table 6 potentially fall within the zone of influence of the project, having regard to the nature and scale of the development, the results of ecological surveys for the site, the distance from the development site to same, and the lack of an obvious pathway to same from the development site.

Table 6. Identification of relevant European Sites using Source-Pathway-Receptor model and compilation of information (Qualifying Interests and Conservation Objectives)

Site Name / Code	Qualifying Interests (QIs) / Special Conservation Interest (SCIs)	Connections	Consider Further
South Dublin Bay and River Tolka Estuary SPA 004024	QIs – 14 bird species https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO004024.pdf	Weak hydrological connections exist through: Surface water ultimately discharging to Dublin Bay; Wastewater from the site passes and would be treated in Ringsend WWTP, which also discharges to Dublin Bay.	Yes
North Bull Island SPA 004006	QIs – 18 bird species To maintain the favourable conservation condition of the wetland habitat in North Bull Island SPA as a resource for the regularly occurring migratory waterbirds that utilise it To maintain the favourable conservation condition of the qualifying species		
North Dublin Bay SAC 000206	QIs – ten coastal habitats and species https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO000206.pdf		
South Dublin Bay SAC 000210	QIs - 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] https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO000210.pdf		

14.4. Potential Effects

- 14.4.1. Habitat loss and fragmentation would not arise given the location and nature of the site. The development would not increase disturbance effects to birds in Dublin Bay, including during construction (and operational) phases, given the separation distance from these sensitive areas across an extensive urban area.
- 14.4.2. Taking account of the characteristics of the proposed development in terms of its location and the scale of works, the following issues are considered for examination in terms of implications for likely significant effects on European sites:
- surface water drainage from the proposed development site during construction and operational phases;
 - increased wastewater being sent to Ringsend WWTP during the operational phase of the proposed development.

Construction Phase

- 14.4.3. Contrary to the assertion of the observers, the AA Screening Report does consider the construction phase of the proposed development. Having regard to the information submitted with the subject application, surface water emissions from the development would be controlled through the use of normal best practice construction site management. The proposed construction management measures outlined in the application are typical and well-proven construction and demolition 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. Furthermore, their implementation would be necessary for a residential development on any site, in order to protect the surrounding environs, regardless of proximity or connections to any European site or any intention to protect a European site. I am satisfied that the construction practices set out are not designed or intended specifically to mitigate any potential effect on a European site.
- 14.4.4. I am satisfied that the potential for likely significant effects on the qualifying interests of European sites in Dublin Bay, inclusive of estuarial areas, can be excluded given the absence of a likely pollution source on the site, the considerable intervening distances and the volume of waters separating the application site from European sites in Dublin Bay (dilution factor).

- 14.4.5. In the event that the pollution and sediment-control measures were not implemented or failed during the construction phase, I remain satisfied that the potential for likely significant effects on the qualifying interests of European sites can be excluded given the distant, indirect and interrupted hydrological connection, the nature and scale of the development and the distance and volume of water separating the application site from European sites in Dublin Bay (dilution factor).
- 14.4.6. The construction phase will not result in significant environmental impacts that could affect European sites within the wider catchment area.

Operational Phase

- 14.4.7. During the operational stage surface water from the site would be discharged at rates compliant with the Greater Dublin Regional Code of Practice for Drainage Works to the public surface water drainage system after passing through various SUDS measures. In the event that the pollution control and surface water treatment measures were not implemented or failed, I remain satisfied that the potential for likely significant effects on the qualifying interests of European sites in Dublin Bay can be excluded given the indirect, distant and interrupted hydrological connection, the nature and scale of the development featuring a piped surface water network, including standard control features, and the distance and volume of water separating the appeal site from European sites in the Dublin Bay area (dilution factor).
- 14.4.8. Wastewater would ultimately be treated at Ringsend WWTP and the proposed development would result in a residential loading equivalent to approximately 273 residents based on the estimated wastewater loading for the development, as outlined in the Engineering Services Report submitted with the application. The applicant has referred to information contained in a recent EIAR for upgrade works to Ringsend WWTP, which concludes that significant effects on marine biodiversity and the European sites within Dublin Bay from the operation of Ringsend WWTP are unlikely to be occurring.
- 14.4.9. Having regard to the scale of the development proposed, it is considered that the development would result in an insignificant increase in the loading at Ringsend WWTP, which would in any event be subject to Uisce Éireann consent and would only be given where compliance with EPA licencing in respect of the operation of the plant was not breached. Notwithstanding this, water quality is not a target for the

maintenance of any of the qualifying interests within the SACs closest to Ringsend WWTP (i.e., South Dublin Bay SAC and North Dublin Bay SAC). Their qualifying interest targets relate to habitat distribution and area, as well as vegetation structure and the control of negative indicator species and scrub. The development would not lead to any impacts upon these qualifying interests, consequent to changes to the physical structure of the habitats or to the vegetation structure that defines their favourable conservation status.

- 14.4.10. On the basis of the foregoing, I conclude that the proposed development would not impact the overall water quality status of Dublin Bay and that there is no possibility of the operational of the proposed development undermining the conservation objectives of any of the qualifying interests or special conservation interests of European sites in or associated with Dublin Bay via surface water runoff and emissions to water.

In-combination Impacts

- 14.4.11. The applicant's AA Screening Report refers to several projects and plans that could act in combination with the development and give rise to significant effects to European sites within the zone of influence. This project is taking place within the context of greater levels of construction development and associated increases in residential density in the Dublin area. This can act in a cumulative manner through surface water run-off and increased wastewater volumes to the Ringsend WWTP.
- 14.4.12. The expansion of the city is catered for through land use planning by the various Planning Authorities in the Dublin area, including the Dublin City Development Plan 2022-2028 and the Dun Laoghaire-Rathdown County Development Plan 2022-2028. These Development Plans have been subject to AA by the respective Planning Authorities, who have concluded that their implementation would not result in significant adverse effects on the integrity of any European sites. The proposal would not generate significant demands on the existing municipal sewers for foul water. While this project would marginally add to the loadings to the municipal sewer, evidence shows that negative effects to European sites are not arising, as referenced in the applicant's AA Screening Report. Phased upgrade works to the Ringsend WWTP extension have commenced and the facility is currently operating under the EPA licencing regime that is subject to separate AA Screening.

14.4.13. The development is not associated with any loss of semi-natural habitat or pollution that could act in a cumulative manner to result in significant negative effects to any European site. I am satisfied that there are no projects which can act in combination with the development that could give rise to significant effects to European sites within the zone of influence.

AA Screening Conclusion

14.4.14. The distance between the proposed development site and any European sites, and the very weak ecological pathways are such that the proposal would not result in any likely changes to the European sites that comprise part of the Natura 2000 network in Dublin Bay.

14.4.15. The proposed development was considered in light of the requirements of section 177U of the Act of 2000. Having carried out screening for AA of the project, it has been concluded that the project individually or in combination with other plans or projects, would not have a significant effect on European sites, including European Site No. 004024 (South Dublin Bay and River Tolka Estuary SPA), European Site No. 004006 (North Bull Island SPA), European Site No. 000206 (North Dublin Bay SAC) and European Site No. 000210 (South Dublin Bay SAC) in view of the sites' Conservation Objectives, and Appropriate Assessment is not, therefore, required.

14.4.16. The possibility of significant effects on other European sites has been excluded on the basis of objective information. Measures intended to reduce or avoid significant effects on European sites have not been relied upon in my reaching of a conclusion in this screening process.

15.0 Conclusion and Recommendation

15.1.1. The Planning Authority assert that the proposed scheme deviates from the plan-led approach for the area, undermining the design principles and character of the area, as set out in the Sandyford Urban Framework Plan. The amendments to the proposed development suggested by the Planning Authority reducing the development to five storeys in order to strictly align with the provisions of the Sandyford Urban Framework Plan, would fail to meet the density provisions set out in this Framework Plan. I appreciate that the proposals would to an extent deviate from the 'inner softer centre' approach set out in the Sandyford Urban Framework

Plan, however, justification for the subject proposals is provided for by SPPRs of the various Ministerial Guidelines, compliance with objectives of the NPF and RSES, by the robustness of the build-to-rent accommodation and associated amenities and facilities, by the positive contribution of the development towards place-making in this neighbourhood, as the design of the proposed building is innovative and of a high standard, and as the development would not have undesirable effects on the amenities of the area. In conclusion the proposed development would be consistent with the proper planning and sustainable development of the area.

- 15.1.2. Having regard to the above assessments, 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 in the draft Order below.
- 15.1.3. Finally, 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.

16.0 Recommended Order

Application for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Bord Pleanála on the 4th day of April, 2022, by Ravensbrook Ltd. care of John Spain Associates, 39 Fitzwilliam Place, Dublin 2.

Proposed Development:

The development will consist of:

- the demolition of the existing 2 no. storey building (c.717sqm) and hard surface parking area on the site;
- construction of a Build to Rent residential development comprising 101 no. residential apartments as follows;
- 101 no. build to rent apartments within a part 5, part 6 to part 11 no. storey building over partial basement comprising 65 no. 1 bedroom apartments and 36 no. 2 bedroom apartments (balconies on all elevations);

- 734sqm of external communal amenity space provided in the form of a podium courtyard at first floor level and a series of rooftop terraces at fifth, sixth and tenth floor levels,
- c. 514sqm of public open space provided fronting Carmanhall Road;
- 511 sqm of resident support facilities/ services and amenities space provided at ground and first floor levels;
- vehicular access to the development will be from the upgraded existing access from Ravens Rock Road;
- provision of 10 no. car parking spaces [1 no. accessible], 2 no. motorcycle spaces; in an undercroft carpark and 234 no. cycle parking spaces;
- provision of 4 no. Ø0.3m Microwave link dishes to be mounted on 2 No. steel support pole affixed to lift shaft overrun, all enclosed in radio friendly GRP shrouds, together with associated equipment at roof level;
- provision of an ESB substation, switch room and plant room at ground floor level, hard and soft landscaped areas, public lighting, attenuation, service connections [on Carmanhall Road, Ravens Rock Road and Arkle Road] and all ancillary site development works (including public realm upgrades on Carmanhall Road and Ravens Rock Road);

at IVM House, nos. 31 Ravens Rock Road (D18H304) and 31a Ravens Rock Road (D18C8P2), Carmanhall Road, Sandyford Business Park, Dublin 18.

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 policies and objectives as set out in the Dun Laoghaire-Rathdown County Development Plan 2022-2028 and the appended Sandyford Urban Framework Plan;
- b) the provisions of the Eastern and Midland Regional Assembly Regional Spatial and Economic Strategy 2019-2031, which supports compact sustainable growth and accelerated housing delivery integrated with enabling infrastructure;
- c) the provisions of Rebuilding Ireland Action Plan for Housing and Homelessness, 2016;
- d) the provisions of Housing for All, A New Housing Plan for Ireland issued by the Department of Housing, Local Government and Heritage in September 2021;
- e) the provisions of Project Ireland 2040 - National Planning Framework, which identifies the importance of compact growth;
- f) the provisions of the Department of Housing, Local Government and Heritage Circular NRUP 07/2022 dated the 21st day of December 2022;
- g) the provisions of the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities issued by the Department of Housing, Planning and Local Government in December 2020;
- h) the provisions of the Urban Development and Building Heights Guidelines for Planning Authorities, issued by the Department of Housing, Planning and Local Government in December 2018;
- i) the provisions of the Guidelines for Sustainable Residential Developments in Urban Areas and the accompanying Urban Design Manual, A Best Practice

Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009;

- j) the provisions of 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 2019;
- k) the provisions of the Planning System and Flood Risk Management Guidelines for Planning Authorities (including the associated Technical Appendices) issued by the Department of the Environment, Heritage and Local Government in November 2009;
- l) the provisions of the Childcare Facilities Guidelines for Planning Authorities issued by the Government of Ireland in June 2001;
- m) 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;
- n) the pattern of existing and permitted development in the area;
- o) the provisions of 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 that materially contravenes a Development Plan;
- p) the submissions and observations received;
- q) the Chief Executive Officer's report from Dun Laoghaire-Rathdown County Council;
- r) the report of the Planning Inspector.

Appropriate Assessment Screening

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

considerations, submissions and observations on file, the information submitted as part of the subject application Appropriate Assessment Screening Report and application documentation, and the Planning Inspector's report. In completing the screening exercise, the Board agreed with and adopted the report of the Planning Inspector and that, by itself or in combination with other development, plans and projects in the vicinity, the proposed development would not be likely to have a significant effect on any European Site in view of the Conservation Objectives of such sites, and that a Stage 2 Appropriate Assessment is not, therefore, required.

Environmental Impact Assessment Screening

The Board completed an environmental impact assessment screening of the proposed development and considered that the Environment Impact Assessment Screening Report submitted by the applicant, which contains information set out in Schedule 7A to the Planning and Development Regulations 2001, as revised, identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment.

Having regard to:

- the nature and scale of the proposed development, which is below the threshold in respect of classes 10(b)(i), 10(b)(iv) and 14 of Part 2 to Schedule 5 of the Planning and Development Regulations 2001, as revised;
- the location of the proposed build-to-rent apartments on lands zoned 'A2' in the Dun Laoghaire-Rathdown County Development Plan 2022-2028 with a stated objective to create sustainable residential neighbourhoods and preserve and protect residential amenity, and the results of the Strategic Environmental Assessment of the Dun Laoghaire-Rathdown County Development Plan 2022-2028;
- the nature of the existing site and the pattern of development in the surrounding area;
- the availability of mains water and wastewater services to serve the proposed development;

- the location of the development outside of any sensitive location specified in Article 299(C)(1)(a)(v) of the Planning and Development Regulations 2001, as revised;
- the guidance set out in the 'Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development', issued by the Department of the Environment, Heritage and Local Government (2003);
- the criteria set out in Schedule 7 of the Planning and Development Regulations 2001, as revised, and;
- the features and measures proposed by the applicant that are envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified to be provided as part of the project Construction and Demolition Waste Management Plan, the Outline Construction and Environmental Management Plan, the Outline Construction Management Plan and the Engineering Services Report.

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

Conclusions on Proper Planning and Sustainable Development

The Board considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable quantum, height and density of development in this central and / or accessible urban location, would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be acceptable in terms of urban design, layout and scale of development, would be acceptable in terms of impacts on traffic and pedestrian safety and convenience, and would provide an acceptable form of residential amenity for future occupants.

The Board considered that with the exception of the development density and building height, the proposed development would be compliant with Dun Laoghaire-

Rathdown County Development Plan 2022-2028, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

The Board considers that, while a grant of permission for the proposed Strategic Housing Development would not materially contravene a zoning objective of the statutory plan for the area, it would materially contravene the stated building height and development density objectives for the site within the Sandyford Urban Framework Plan appended to the Dun Laoghaire-Rathdown County Development Plan 2022-2028. The Board considers that, having regard to the provisions of section 37(2) of the Planning and Development Act 2000, as amended, a grant of permission, in material contravention of the Dun Laoghaire-Rathdown County Development Plan 2022-2028, would be justified for the following reasons and consideration.

- it is considered that permission for the proposed development should be granted having regard to Government policies, as the provision of an appropriate building height and density of residential units on this site would be in accordance with objectives supporting compact urban development at appropriate densities and heights, including National Policy Objectives 13, 33 and 35 of Project Ireland 2040 - National Planning Framework, Regional Policy Objectives 3.3 and 5.4 of the Eastern and Midland Regional Assembly Regional Spatial and Economic Strategy 2019-2031, the provisions of the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities 2020, the provisions of the Guidelines for Sustainable Residential Developments in Urban Areas (2009) and the provisions of the Urban Development and Building Heights Guidelines for Planning Authorities 2018. Having regard to the provisions of section 37(2)(b)(iii) of the Planning and Development Act 2000, as amended, I am satisfied that a material contravention is justified in this case.
- it is considered that permission for the proposed development should be granted having regard to the building heights and residential densities of recently approved planning permissions for developments in the vicinity of the application site (An Bord Pleanála references 311722-21, 305940-19 and 304405-19), as the proposed development would to an extent, continue on that pattern of development. Having regard to the provisions of section

37(2)(b)(iv) of the Planning and Development Act 2000, as amended, I am satisfied that a material contravention is justified in this case.

- Accordingly, the Board is satisfied that the provisions set out under section 37(2)(b)(iii) and (iv) of the Planning and Development Act 2000, as amended, are applicable with respect to the material contravention of the proposed development with the development objectives for the site, as stated in the Sandymount Urban Framework Plan appended to the Dun Laoghaire-Rathdown County Development Plan 2022-2028.

17.0 Conditions

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

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:
 - a) the east-facing window serving the living room space to apartment A02.2 and the windows in a similar position serving each of the apartments directly above shall be omitted or shall be fitted with opaque glazing or shall be redesigned and repositioned at a high-level at a minimum of 1.8m above the respective internal finished-floor levels;
 - b) vertical privacy screens shall be provided between all adjoining private terraces and balconies;

- c) all cycle parking within the proposed public open space on site along Carmanhall Road shall be omitted and the resultant space shall be suitably landscaped as part of the public open space;
- d) the tenth-floor external roof terrace play area shall be omitted;
- e) the layout of the proposed development shall be revised to tie in with the details of the Sandyford cycle improvement scheme, including revised footpath alignment on the northeastern corner of the site to tie in with the proposed raised table crossing point along Ravens Rock Road;
- f) barrier measures shall be provided at external roof-terrace levels.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interests of residential amenities, orderly development, the amenities and safety of future residents and connectivity.

3. Prior to commencement of development on site, the developer shall submit, for the written agreement of the planning authority, details of the Management Company established to manage the operation of the development together with a detailed and comprehensive Build-to-Rent Management Plan that demonstrates clearly how the proposed Build-to-Rent scheme will operate.

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

4. Prior to the commencement of development, the developer shall submit 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 interest of the proper planning and sustainable development of the area.

5. Prior to expiration of the 15-year period referred to in the covenant, the developer shall submit 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.

6. 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.

7. Proposals for the building name, apartment numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all building signs and apartment numbers, shall be provided in accordance with the agreed details. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority.

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

8. (a) The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs, shall be in accordance with the detailed construction standards of the planning authority for such works and design standards outlined in the Design Manual for Urban roads and Streets. All findings of the submitted Quality Audit for the proposed development shall be incorporated into the development, unless otherwise agreed in writing with the planning authority. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.
- (b) Prior to the occupation of the development, a Parking Management Plan shall be prepared for the development and shall be submitted to and agreed in writing with the planning authority. This plan shall provide for the permanent retention of the designated residential parking spaces, provision of cycle parking spaces for non-standard bikes, and shall indicate how these and other spaces within the development shall be assigned, segregated by use and how car, cycle, motorcycle and car-share / club parking, as well as turning areas, shall be continually managed.
- (c) The developer shall comply with all requirements of the Planning Authority in relation to roads, access, cycling infrastructure and parking arrangements.

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

9. Prior to the occupation of the development, a Mobility Management Plan (travel plan) shall be submitted to and agreed in writing with the planning authority. This shall include modal shift targets and shall provide for incentives to encourage the use of public transport, cycling, walking and carpooling by residents, and to reduce and regulate the extent of parking.

The mobility strategy shall be prepared and implemented by the management company for all units within the development.

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

10. All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site. In this regard, ducting shall be provided to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interest of orderly development and the visual amenities of the area.

11. No additional development shall take place above roof parapet level to the proposed apartments blocks, 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 visual amenities of the area.

12. The developer shall enter into water and wastewater connection agreements with Uisce Éireann, prior to commencement of development.

Reason: In the interest of public health.

13. a) Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. Revised green roof proposals compliant with the terms of the 'Green Roof Guidance Document' forming appendix 16 to the Dun Laoghaire-Rathdown County Development Plan 2022-2028 shall be submitted to, and agreed in

writing with, the planning authority prior to commencement of development and implemented in full thereafter. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination;

- b) 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, the environment and surface water management.

- 14.** Public lighting shall be provided in accordance with a scheme, which shall include lighting for opens spaces and pedestrian routes, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The design of the lighting scheme shall take into account the existing public lighting in the surrounding area, as well as the requirements of the Ecological Impact Assessment submitted with respect to bat species. Such lighting shall be provided prior to the making available for occupation of any apartment.

Reason: In the interests of amenity, the environment and public safety.

- 15.** The site shall be landscaped in accordance with the detailed comprehensive scheme of landscaping, which accompanied the application submitted, unless otherwise agreed in writing with, the planning authority prior to commencement of development.

Further details of the play spaces and associated features assigned for children of all ages shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of residential and visual amenity.

- 16.** (a) Prior to commencement of development, all trees, groups of trees and hedging that 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 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 maintained 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 maintained.

(c) Excavations in preparation for foundations and drainage, and all works above ground level in the immediate vicinity of trees to be maintained, as submitted with the application, 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 maintained.

(d) No trench, embankment or pipe run shall be located within three metres of any trees to be maintained on the site.

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

- 17.** The areas of public open space shown on the lodged plans shall be reserved for such use and shall be soiled, seeded, and landscaped in accordance with the landscape scheme submitted to An Bord Pleanála with this application, unless otherwise agreed in writing with the planning authority. This work shall be completed before any of the apartments are made available for occupation and shall be maintained as public open space by the developer until taken in charge by the local authority.

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

18. (a) The communal open spaces, including hard and soft landscaping, car parking areas, access ways, communal waste/recycling bin storage and all areas not intended to be taken in charge by the Local Authority, shall be maintained by a legally constituted management company.

(b) Details of the management company contract, and drawings/particulars describing the parts of the development for which the company would have responsibility, shall be submitted to, and agreed in writing with, the Planning Authority before any of the apartments are made available for occupation.

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

19. A plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation and collection of the waste, and, in particular, recyclable materials and for the ongoing operation of these facilities for each apartment 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: To ensure the provision of adequate refuse storage.

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

- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development;
- (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and;
- (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

- 21.** Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the 'Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects', published by the Environmental Protection Agency in 2021.

Reason: In the interest of sustainable waste management.

- 22.** The construction of the development shall be managed in accordance with a final project Construction and Environmental Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall incorporate all mitigation measures stated in the application plans and particulars, including the Ecological Impact Assessment, and shall provide details of the intended construction practice for the development, including:

- a) Location of the site and materials compound(s);
- b) Location of areas for construction site offices and staff facilities;
- c) Details of site security fencing and hoardings;
- d) Details of any on-site car parking facilities for site workers during the course of construction;
- e) 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.
- f) Measures to obviate queuing of construction traffic on the adjoining road network;
- g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- h) Alternative arrangements to be put in place for pedestrians, cyclists and vehicles in the case of the closure of any public road or footpath during the course of site development works;
- i) Details of appropriate measures to mitigate vibration from construction activity in accordance with BS6472: 1992 Guide to Evaluation of Human Exposure to Vibration in Buildings (1Hz to 80Hz) and BS7385: Part 2 1990: Evaluation and Measurement for Vibration in Buildings - Guide to Damage Levels from Ground-Borne Vibration, and for the monitoring of such levels.
- j) Details of appropriate mitigation measures for noise and dust, 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 excessive silt or other pollutants do not enter local infrastructure or watercourses;
- n) A record of daily checks that the works are being undertaken in accordance with the Construction Environmental Management Plan shall be kept for inspection by the planning authority;

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

- 23.** Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Saturdays inclusive, and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where proposals have been submitted and agreed in writing with the Planning Authority.

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

- 24.** Prior to commencement of development, the applicant 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.

- 25.** 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.

- 26.** Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company or such other security as may be accepted in writing by the planning authority, to secure the protection of the trees on site and to make good any damage caused during the construction period, coupled with an agreement empowering the planning authority to apply such security, or part thereof, to the satisfactory protection of any tree or trees on the site or the replacement of any such trees which die, are removed or become seriously damaged or diseased within a period of three years from the substantial completion of the development with others of similar size and species. 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 secure the protection of the trees on the site.

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

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

- 28.** The developer shall pay to the planning authority a financial contribution in respect of the Light Rail Extension of LUAS Line B1 - Sandyford to Cherrywood, in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the

Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

Colm McLoughlin
Senior Planning Inspector

18th May 2023

Appendices

Appendix A: EIA Screening Determination for a Strategic Housing Development Application

A. CASE DETAILS		
An Bord Pleanála Case Reference		ABP-313209-22
Development Summary		Demolish commercial building and construct 101 build-to-rent apartments and associated development, at IVM House, units 31 and 31a Ravens Rock Road, Sandyford Business Park, Dublin 18.
	Yes/No/N/A	
1. Has an AA screening report or NIS been submitted?	Yes	An Appropriate Assessment Screening Report was submitted with the application. An Ecological Impact Assessment was also submitted with the application.
2. Is an IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?	No	
3. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA	Yes	SEA and AA were undertaken in respect of the Dun Laoghaire-Rathdown County Development Plan 2022-2028.

B. EXAMINATION	Yes/ No/ Uncertain	Briefly describe the nature and extent and Mitigation Measures (where relevant) (having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact) Mitigation measures –Where relevant specify features or measures proposed by the applicant to avoid or prevent a significant effect.	Is this likely to result in significant effects on the environment? Yes/ No/ Uncertain
1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)			
1.1 Is the project significantly different in character or scale to the existing surrounding or environment?	No	There is variety in the scale and nature of development in the surrounding area, including low, mid and high-rise commercial and residential buildings and taller buildings currently under construction. The proposed development within the footprint of the business park would provide for a more intensive use of the site, and it would not be of a scale or character significantly at odds with the surrounding pattern of development.	No
1.2 Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?	Yes	The proposed residential development would result in the replacement of an existing building with a much taller building, however the works associated with this are not envisaged to result in significant physical changes for the locality.	No

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?	Yes	Construction materials will be typical for an urban development of this nature and scale. The loss of natural resources as a result of the development of the site are not regarded as significant in nature.	No
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?	Yes	Construction activities will require the use of potentially harmful materials, such as fuels and other such substances. Use of such materials would be typical for construction sites. Any impacts would be local and temporary in nature and the implementation of the standard measures outlined in the Outline CEMP would satisfactorily mitigate potential impacts. No operational impacts in this regard are anticipated.	No
1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?	Yes	<p>Noise and dust emissions during construction are likely. Such construction impacts would be local and temporary in nature and with the implementation of the standard measures outlined in the Construction and Demolition Waste Management Plan and the Outline CMP would satisfactorily mitigate the potential impacts.</p> <p>Operational waste would be managed through a waste management plan to obviate potential environmental impacts. Other operational impacts in this regard are not anticipated to be significant.</p>	No

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?	Yes	<p>Operation of the standard measures in the Outline CEMP will satisfactorily mitigate emissions from spillages during construction and operation.</p> <p>The operational development will connect to mains services and discharge surface waters only after passing through SUDS. Surface water drainage will be separate to foul services within the site.</p>	No
1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?	Yes	<p>There is potential for construction activity to give rise to noise and vibration emissions. Such emissions will be localised and short term in nature, and their impacts would be suitably mitigated by the operation of standard measures listed in the Outline CMP.</p>	No
1.8 Will there be any risks to human health, for example due to water contamination or air pollution?	Yes	<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 standard measures within the Outline CEMP would satisfactorily address potential risks on human health. No significant operational impacts are anticipated for piped water supplies in the area.</p>	No
1.9 Will there be any risk of major accidents that could affect human health or the environment?	No	<p>No significant risk is predicted having regard to the nature and scale of the development. Any risk arising from demolition and construction will be localised and temporary in nature. The site is not at risk of flooding. The site is outside the consultation / public safety zones for the Seveso / COMAH sites.</p>	No

1.10 Will the project affect the social environment (population, employment)	Yes	Development of this site would result in an increase in population in this area. The development would provide housing that would serve towards meeting an anticipated demand in the area.	No
1.11 Is the project part of a wider large-scale change that could result in cumulative effects on the environment?	Yes	The development site is in an area subject of several permitted and proposed developments, as referenced throughout the application documentation and the report above. Any cumulative effects arising from the proposed development would not have substantive additional impacts on the environment alongside the noted permitted projects.	No
2. Location of proposed development			
2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following: 1. European site (SAC/ SPA/ cSAC/ pSPA) 2. NHA/ pNHA 3. Designated Nature Reserve 4. Designated refuge for flora or fauna	No	Sensitive ecological sites are not located on site. The nearest European sites are listed in table 5 of this report and other designated sites, including NHAs and local ecological sites are referred to in section 12.10 of this report and the applicant's Ecological Impact Assessment. Protected habitats or habitats suitable for substantive habituating of the site by protected species were not found on site or adjoining the site during ecological surveys. The proposed development would	No

5. Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan		not result in significant impacts to any protected sites, including those downwater.	
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	The proposed development would not result in significant impacts to protected, important or sensitive species. Biodiversity measures are included as part of the proposals, including wildflower planting and bat-sensitive lighting.	No
2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?	No	The site and surrounding area do not have a specific conservation status and the site has relatively low potential for archaeology on site given the separation distance from the nearest RMP and the findings of the applicant's archaeological impact assessment.	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	No such features are in this urban location.	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?	No	The development will implement SUDS measures to control surface water run-off. The development would not increase risk of flooding to downstream areas with surface water to discharge at greenfield runoff rates. Potential impacts arising from the discharge of surface waters to receiving waters are considered, however, no likely significant effects are anticipated.	No

2.6 Is the location susceptible to subsidence, landslides or erosion?	No	There is a steady change in ground levels across the site. Only excavation works for a basement structure, services and SUDS are proposed and construction measures can be implemented to safeguard risks to any sensitive receptors.	No
2.7 Are there any key transport routes (e.g., 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 road network. There are sustainable transport options available to future residents. No significant contribution to traffic congestion is anticipated to arise from the proposed development.	No
2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?	No	No significant construction or operational impacts would be anticipated for other facilities.	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 development result in cumulative effects during the construction/ operation phase?	Yes	The proposed development is in an area identified for substantive intensive mixed-use development and it would not give rise to significant cumulative environmental effects alongside other developments on neighbouring sites. Any cumulative traffic impacts that may arise during construction would be subject to a construction traffic management plan.	No
3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?	No	No transboundary considerations arise.	No

3.3 Are there any other relevant considerations?	No	No	No
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C. CONCLUSION			
No real likelihood of significant effects on the environment.	<input checked="" type="checkbox"/>	EIAR Not Required	
Real likelihood of significant effects on the environment.	<input type="checkbox"/>	Refuse to deal with the application pursuant to section 8(3)(a) of the Planning and Development (Housing) and Residential Tenancies Act 2016 (as amended)	

D. MAIN REASONS AND CONSIDERATIONS
<p>Having regard to</p> <ul style="list-style-type: none"> the nature and scale of the proposed development, which is below the threshold in respect of classes 10(b)(i), 10(b)(iv) and 14 of Part 2 to Schedule 5 of the Planning and Development Regulations 2001, as revised; the location of the proposed apartments on lands zoned 'A2' in the Dun Laoghaire-Rathdown County Development Plan 2022-2028 with a stated objective to create sustainable residential neighbourhoods and preserve and protect residential amenity, and the results of the Strategic Environmental Assessment of the Development Plan; the nature of the existing site and the pattern of development in the surrounding area;

- the availability of mains water and wastewater services to serve the proposed development;
- the location of the development outside of any sensitive location specified in Article 299(C)(1)(a)(v) of the Planning and Development Regulations 2001, as revised;
- the guidance set out in the 'Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development', issued by the Department of the Environment, Heritage and Local Government (2003);
- the criteria set out in Schedule 7 of the Planning and Development Regulations 2001, as revised, and;
- the features and measures proposed by the applicant that are envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified to be provided as part of the project Construction and Demolition Waste Management Plan, the Outline Construction and Environmental Management Plan, the Outline Construction Management Plan and the Engineering Services Report.

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

Inspector: _____ **Colm McLoughlin**

Date: **18th May 2023**