



An
Bord
Pleanála

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

Inspector's Report ABP-313317-22

Strategic Housing Development

255 no. apartments, creche and associated site works.

Location

Between Swift Square and Sports Surgery Clinic, Northwood Avenue, Santry, Dublin 9.
(www.whitehavenshd.com)

Planning Authority

Fingal County Council

Applicant

Cosgrave Developments Unlimited Company

Prescribed Bodies

Dublin Airport Authority
Irish Aviation Authority
Irish Water
Transport Infrastructure Ireland

Observers

Angela Lloyd

Emma and Hugh McGowan

Eoin and Eimear Hunt

Filipa Costa and Shane O'Byrne

Jenny Cheung

John Diamond

John Paul Clarke

Karen and Conor Ruane

Margaret McGrath and Robert Duffy

Nikki and Simon Huttley

Paul and Aisling Boyle

Róisín Shortall

Sports Surgery Clinic

Walesa Francis

Date of Site Inspection

2nd March 2023

Inspector

Sarah Moran

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1.0 Introduction

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

2.0 Site Location and Description

- 2.1. The development site is c. 1.5 ha of undeveloped lands located in Northwood, an emerging mixed use / residential area c. 1 km northeast of Ballymun and c. 1 km southeast of the Ballymun M50 interchange, where there has been a significant amount of new development in the last 15 years comprising a mix of residential, employment and retail land uses. The site is c. 6 km to the north of Dublin city centre and c. 4 km south of Dublin Airport. The proposed MetroLink Northwood Stop is located c. 700 m to the west of the development site on the R108 Ballymun Road. The Santry River amenity walk and Santry Park are c. 250 – 270 m to the north and east.
- 2.2. The immediate surroundings of the site are as follows:
- Cedarview residential development to the north (2 storey)
 - Blackwood Square residential development to the west (8 storey)
 - Sports Surgery Clinic to the northeast (4 storey)
 - Swift Square office complex to the southwest (5 storey)
 - A significant frontage to Northwood Avenue to the south. The Lymewood (5-6 storey) and Carrington (6 storey) apartment complexes are to the south of Northwood Avenue, opposite the development site.
- 2.3. The development site is flat and level with Northwood Avenue. The red line site boundary contains an area of undeveloped lands (the main part of the site) and a strip of land to the immediate south of the existing access road to Cedarwood estate, including part of the existing car park of the Swift Square office complex. This strip is to facilitate a pedestrian / cycle route and site services connecting the development site to a distributor road to the west. The main part of the site is currently accessed via a local road off Northwood Avenue at the eastern side of the site, also included

within the red line site boundary, which currently serves the Sports Surgery Clinic. There is a stand of mature deciduous trees at the southwestern corner of the site and an area of hardstanding, part of which is currently in use for car parking, to the north and west. There is a wayleave along the site frontage to Northwood Avenue, due to the presence of a public sewer at this location. There is an existing pedestrian / cycle path on the eastern side of the site which links Northwood Avenue to Cedarview and beyond.

3.0 Proposed Strategic Housing Development

3.1. The following key points of the proposed development are noted:

Site Area	c. 1.5 ha (stated net area 1.290 ha)
No. of Units	255
Total Resi Floorspace	25,802 sq.m.
Height	5-9 storey
Density	189 units/ha net
Site Coverage	29%
Plot Ratio	1.75 net
Dual Aspect Units	56%
Amenities / Communal Open Space	Communal open space 2,520 sq.m. (including 87 sq.m. play area) Concierge / multifunction area (c. 246 sq.m.) Gym (73 sq.m.)
Public Open Space	2,407 sq.m. (including 280 sq.m. play area)
Childcare	1 no. childcare facility (c. 398 sq.m.)
Part V	26 no. units to be transferred to Fingal County Council
Roads / Pedestrian and Cycle Infrastructure	Connection to existing pedestrian / cycle route between Cedarview and Swift Square Office Park Vehicular access from Northwood Avenue via existing road serving the Sports Surgery Clinic

Parking	277 no. basement car parking spaces (including 5 no. accessible spaces), 16 no. surface level car parking spaces (including 1 no. accessible space and 2 no. car sharing spaces) 8 no. basement motorbike spaces 600 no. basement cycle parking spaces and 128 no. surface level cycle spaces (including 72 no. sheltered spaces).
Site Services	Connection to public watermain and sewer
Ancillary Works	All associated plant, drainage arrangements, works to facilitate utility connections, boundary treatments, landscaping, public lighting, refuse storage, construction compounds, vehicle access and site development works. Double ESB substation

3.10. The proposed apartments are laid out in 5 no. blocks as follows:

- Block 1 (8 storey) at the northeastern corner of the site, containing 49 no. apartments and a childcare facility on the ground floor with associated outdoor play area
- Block 2 (9 storey) at the southeastern corner of the site, containing 60 no. apartments and a concierge / multifunction area and gym located in a single storey annex
- Block 3 (7-8 storey) facing Northwood Avenue, containing 47 no. apartments
- Block 4 (8-9 storey) at the southwestern corner of the site containing 52 no. apartments
- Block 5 (5-9 storey) at the northwestern corner of the site containing 47 no. apartments

3.11. The proposed housing mix is as follows:

Apartment Type	No. of Units	%
1-bed	11	4%
2-bed	229	90%
3-bed	15	6%
Total	255	

3.12. The application is accompanied by an EIAR and an AA Screening Report.

4.0 Planning History

4.1. Reg. Ref. F16A/0514 Development Site

- 4.1.1. Relating to part of the development site with frontage to Northwood Avenue. Permission granted for a 5 storey office building with an overall height of c. 79 m OD over basement, as an amendment to office development originally granted at this location under Reg. Ref. F04A/1562. This permission was never carried out.

4.2. Reg. Ref. F15A/0440 PL06F.246829, F16A/0572, F17A/0371, F18A/0205 Masterplan Amendments

- 4.2.1. Reg. Ref. F15A/0440 PL06F.246829 relates to a larger area of c. 7 ha, including the development site. Permission for modifications to the Masterplan granted under Reg. Ref. F04A/1562 replacing 5 no. logistic warehouses (11,126 sq.m), 23 no. 3 storey own door office buildings (9,696sq.m), 1 no. amenity building (1,700sq.m) and associated car parking with 374 no. residential units. The residential development comprised 2 no. 6 storey apartment buildings and 1 no. 5 storey apartment building to contain 246 no. apartments, 120 no. 2 storey dwelling houses and associated ancillary facilities.
- 4.2.2. Reg. Ref. F15A/0440 was modified by Reg. Ref. F16A/0572 resulting in the provision of 5 no. additional apartment units and was modified again under Reg. Ref. F17A/0371 which comprised amendments to 104 no. house units. The most recent permission (Reg. Ref. F18A/0205) provided for the omission of 24 no. houses and associated alterations to the permitted road alignment and revision of boundary treatments permitted under Reg. Ref. F15A/0440 (as amended) to define the new eastern boundary of the development site. These combined amendments resulted in

355 no. house and apartment units within the Bridgefield, Pappangrove and Cedarview developments within the overall Masterplan lands.

4.3. **Reg. Ref. F04A/1562 Masterplan**

4.3.1. The subject site forms part of a larger Masterplan area of 19.8 ha on which permission was granted for a mixed-use development in 2005 under Reg. Ref. F04A/1562. The appropriate period for this consent was extended to 2020 under Reg. Ref. F04A/1562/E2 but has now since lapsed. The permitted Masterplan comprised business, enterprise and commercial facilities consisting of:

- 5 no. logistic warehouses c. 11,126 sq.m in total;
- 35 no. 2 storey enterprise starter units totalling c. 12,250 sq.m;
- 4 no. 5 storey office blocks;
- 28 no. 3 storey own door office buildings totalling c. 11,172 sq.m;
- 7 no. single storey retail warehouse units totalling c. 10,500 sq.m;
- Single storey Local Centre comprising 5 no. units totalling c. 1,670 sq.m;
- 3 no. 2 storey motor showrooms totalling c. 3,568 sq.m;
- 1 no. 2 storey amenity building totalling c. 1,700 sq m;
- 1,926 no. car parking spaces; and
- Ancillary office, administration and staff facilities for all proposed buildings.

4.4. **Reg. Ref. F18A/0675 Sports Surgery Clinic Adjoining Site to East**

4.4.1. Relating to 0.8 ha of lands on the western side of the Sports Surgery Clinic complex, located to the immediate east of the development site and adjoining part of the eastern site boundary. Permission was sought for retention of surface car park with layout modified from that previously permitted under Reg. Ref. F15A/0482 and extension of the car park to provide an additional 72 no. spaces, new access to car park, retention of 3 no. waste storage buildings and associated site works. FCC granted permission for the retention of the surface car park but refused permission for the additional 72 no. spaces on grounds relating to development plan car parking standards and contravention of development plan Objective DM113.

4.5. ABP-306075-19 and ABP-309416-21 Blackwood Square SHD on Adjacent Site

4.5.1. Relating to lands off Northwood Avenue to the west of the development site, within the Masterplan area. SHD permission granted by ABP on 24th March 2020 for a development referred to as Blackwood Square comprising of 4 no. 8 storey apartment blocks consisting of 329 no. apartment units; a multi-functional area; a gym; childcare facility, 5 no. mixed use units; 338 no. car parking spaces; 690 no. cycle parking spaces and associated site works. On 29th April 2021 the terms of conditions attached were altered under ref. ABP-309416-21 resulting in the number of apartments increasing to 330 no. units and a childcare facility to accommodate a minimum of 62 childcare places. The permitted development is now complete.

4.6. ABP-313179-22 Current SHD Application at Northwood Crescent

4.6.1. Relating to a site nearby to the southwest of the development site, at the junction of Northwood Crescent and Ballymun Road R108. Permission is sought for 268 no. Build to Rent apartments in 2 no. blocks ranging in height from 5 - 11 storeys, creche and associated site works.

5.0 Section 5 Pre Application Consultation

5.1. Pre-Application Consultation ABP-310978-21

- 5.1.1. The pre-application consultation related to a proposal to construct 288 no. apartments (up to 9 storeys), creche and associated site works at the development site. A section 5 consultation meeting took place on 29th October 2021 between representatives of ABP, the planning authority, and the prospective applicant. Following consideration of the issues raised during the consultation process and having regard to the opinion of the planning authority, the Board issued an Opinion on 6th December 2021, which considered that the documents submitted with the request to enter into consultations required further consideration and amendment to constitute a reasonable basis for an application for strategic housing development.
- 5.1.2. ABP considered that the following issues need to be addressed in the documents submitted that could result in them constituting a reasonable basis for an application for strategic housing development:

Scale, Height and Massing/Layout/Detailed Design

1. Further consideration/justification of the documents as they relate to: the scale, height and massing, and visual impact of the proposed blocks, in particular proposed Block 3; the proximity of the proposed blocks to one another; treatment of ground floor frontages and entrances; and the detailed design and materiality of the proposed blocks. The further consideration / justification should address the proposed scale and massing of the proposals, in particular Block 3, and the potential visual impact of same; the separation distances of proposed Blocks 1 and 2, and proposed Blocks 2 and 3; the materiality proposed for the development in its entirety, and its appropriateness for a residential development; the provision of active frontages at ground floor level; and the treatment of north facing elevations and appropriate detailing of same. The further consideration of these issues may require an amendment to the documents and/or design proposals submitted.

5.1.3. ABP also required specific information to be submitted with the application pursuant to article 285(5)(b) of the Planning and Development (Strategic Housing Development) Regulations 2017, including, inter alia:

- Justification in relation to the removal of trees on the site, having regard to any Tree Preservation Order which may be in place at the time of the making of the application.
- Justification, and where appropriate amendment, to demonstrate that the proposed car parking quantity is appropriate, having regard to local, regional and national policy on same.
- Sunlight/Daylight/Overshadowing analysis showing an acceptable level of residential amenity for future occupiers and existing residents
- Housing Quality Assessment (HQA) and Design Statement
- A report that specifically addresses the proposed materials and finishes to the scheme including specific detailing of external finishes, the treatment of balconies and boundary treatments.
- An Acoustic Noise Assessment.

5.2. Applicant's Statement of Response

5.2.1. The application includes a statement of response to the pre-application consultation, as provided for under section 8(1)(iv) of the Act of 2016, which outlines the information/documentation submitted as specified in the ABP Opinion. The Statement of Proposals by MCORM Architects specifically addresses the matters of Scale, Height and Massing/Layout/Detailed Design. The following points of same are noted:

- The proposed development incorporates several changes from that put forward at pre-planning. The general massing, scale and distribution of blocks (and spacing/breaks between) have been amended in the final design and the revised layout retains two existing mature trees at the site, to form an integral part of the landscaped courtyard layout.
- The total number of apartment blocks is increased from 3 to 5, with more separation/breaks between the blocks. The increased separation distances will improve the visual amenity of the courtyard and provide improved daylight penetration to the courtyard and to individual apartments. A rationale is provided for instances where separation distances are < 22m.
- The separation between Blocks 1 and 2 has been omitted in its entirety, to prevent the scenario of north facing apartments separated from a gable wall by c. 7m.
- There is now a 15m distance between Blocks 2 and 3 above a single storey concierge 'plinth'.
- Block 3 at the western side of the site is now divided into Blocks 4 and 5, with a redesigned layout to facilitate tree retention and improved westerly light penetration.
- The northernmost break between Blocks 1 and 5 is now further west to facilitate the revised layout, resulting in improved light penetration and reduced width / bulk adjacent to Cedarview.
- The heights of the blocks are reduced at several locations, to create a 9 storey focal point at Block 2, located at the southeastern corner of the site facing Northwood Avenue. Block 1 facing the Sports Surgery Clinic is reduced from 9 to

8 storeys. Block 3 facing Northwood Avenue is reduced from 9 to 8 storeys. Block 4 at the southwestern corner of the site provides a 9 storey bookend facing Northwood Avenue. Block 5 at the northwestern corner of the site steps down to 5 storeys where it faces the 2 storey Cedarview development.

- The distance from the northern gable of Block 5 to the nearest house in Cedarwood to the north has been increased from c. 24 m to c. 26 m. The height of the northern gable of Block 5 is reduced from 6 to 5 storeys and the width of the gable has been reduced from 32.5m to 22.7m. The north facing gable of Block 5 has been amended to provide more fenestration instead of 6 storey brick walls. The elevation is amended as the fenestration serves habitable rooms within the development. The materiality to the topmost storeys has been simplified with two levels of glazed screens on top of metal cladding replaced by one level of curtain walling to the penthouse level and stepped storeys of brickwork more appropriate to a residential development.
- The front building line of the development facing Northwood Avenue is now in line with that of the Swift Square office complex to reinforce the building line at this location. The building line also addresses the curvature of Northwood Avenue and the access road serving the Sports Surgery Clinic.
- The application includes a detailed Architectural Report Relating to Materials and Finishes. The proposed design amendments seek to rationalise and simplify the palette of materials. It is intended that all elevations regardless of orientation are treated the same within the development. The submission refers to precedent at adjacent sites for the proposed materials.
- The development has been designed to provide continuous active elevations at ground floor level overlooking the public and semi-public realm.

6.0 Relevant Planning Policy

6.1. National Planning Policy

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

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (including the associated Urban Design Manual) (2009)
- Design Standards for New Apartments Guidelines for Planning Authorities (2020 and as updated December 2022)
- Design Manual for Urban Roads and Streets (DMURS) (2013)
- The Planning System and Flood Risk Management (including the associated Technical Appendices) (2009)
- Urban Development and Building Heights Guidelines for Planning Authorities (2018)
- Childcare Facilities Guidelines for Planning Authorities (2001)

6.2. **Project Ireland 2040 National Planning Framework**

- 6.2.1. The National Planning Framework (NPF) supports the development of Ireland's cities and urban areas to achieve compact growth. The following National Policy Objectives (NPOs) are noted in particular:

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

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

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

NPO 11: In meeting urban development requirements, there will be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth.

NPO 13: In urban areas, planning and related standards, including, in particular, height and car parking will be based on performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to

be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.

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

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

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

6.3. Fingal County Development Plan 2017-2023

6.3.1. The site is located on lands zoned ME Metro Economic where it is an objective to:

Facilitate opportunities for high-density mixed-use development generating activity and commercial development, and support the provision of an appropriate quantum of residential development within the Metro Economic Corridor.

The Metro Economic (ME) zoning is a specific zoning created to respond to the provision of the Metro rail connection from Dublin City to Swords via Dublin Airport. The stated vision for lands with the ME zoning objective is to:

Provide for an area of compact, high intensity/density, employment generating activity with associated commercial and residential development which focuses on the Metro within a setting of exemplary urban design, public realm streets and places, which are permeable, secure and within a high quality green landscape. Landmark buildings will provide strong quality architectural features, which respect and enhance the character of the area into which they sit. The designated areas will form sustainable districts which possess a high degree of connectivity and accessibility and will be developed in a phased manner subject to the necessary provision of social and physical infrastructure.

The uses 'residential', 'childcare facilities', 'utility installations' and 'open space' are all 'Permitted in Principle' under the ME zoning objective. The following development plan objectives also relate to the ME zoned areas:

Objective ED98 Prepare Local Area Plans and Masterplans within the lifetime of the Development Plan for strategically important Metro Economic zoned lands in collaboration with key stakeholders, relevant agencies and sectoral representatives.

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

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

6.3.2. Fingal Development Plan Map 11 also indicates the following at or in the vicinity of the development site:

- Indicative cycle/pedestrian route along Northwood Avenue
- Indicative route for MetroLink at the Ballymun Road R108 to the west of the development site
- There is an objective to protect and preserve Trees, Woodlands and Hedgerows, with the symbol for same located to the northeast of the site, roughly at the location of the Sports Surgery Clinic
- The site is within the Inner Airport Noise Zone and the Outer Airport Noise Zone
- MP.11E relates to the wider surrounding area but includes the subject to site, and refers to a Masterplan Area (Objective SANTRY 5)

6.3.3. There is a local objective to prepare a Masterplan for lands at Northwood including the subject site, ref. Objective SANTRY 5:

Prepare and implement a Masterplan for lands identified at Northwood (see Map Sheet 11, MP 11.E) during the lifetime of this Plan. The main elements to be included are provided below. The list is not intended to be exhaustive.

- *Facilitate provision of an underpass to include provision for a car, bus, cycle, and pedestrian link to link lands east and west of the R108 to enhance connectivity.*
- *Ensure where feasible, development overlooks the Santry River Walk.*

- *Allow the re-location of existing units to facilitate connectivity to the proposed Northwood Metro Stop.*
- *Enhance pedestrian links within and to Santry Demesne.*
- *Ensure the continued protection of trees within the subject lands.*
- *Facilitate provision of a direct access route from Old Ballymun Road through Northwood.*
- *Development shall enhance connectivity to the proposed Northwood Metro Stop.*

6.3.4. The development is located within the Noise Zone C Outer Airport Noise Zone as per development plan Variation No. 1. Objective DA07 (Variation No. 1) applies:

Strictly control inappropriate development and require noise insulation where appropriate in accordance with table 7.2 above within Noise Zone B and Noise Zone C and where necessary in Assessment Zone D, and actively resist new provision for residential development and other noise sensitive uses within Noise Zone A, as shown on the Development Plan maps, while recognising the housing needs of established families farming in the zone. To accept that time based operational restrictions on usage of a second runway are not unreasonable to minimize the adverse impact of noise on existing housing within the inner and outer noise zone.

6.3.5. The following placemaking objectives set out in development plan Chapter 3 are noted:

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

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

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

Objective PM42 The Guidelines for Planning Authorities ‘Sustainable Urban Housing: Design Standards for New Apartments’, 2015 issued by the then Minister for the Environment, Community and Local Government under Section 28 of the

Planning and Development Act, 2000 (as amended) are required to be applied by the Planning Authority in carrying out its functions.

Objective PM43 Have regard to 'Sustainable Urban Housing: Design Standards for New Apartments' (2007) (or any update or revision of these standards) when assessing apartment developments.

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

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

Objective PM63 Facilitate the provision of appropriately scaled children's playground facilities within new and existing residential development.

Objective PM64 Protect, preserve and ensure the effective management of trees and groups of trees.

- 6.3.6. Development plan Chapter 12 sets out detailed development management standards for apartment developments, noting Objectives DMS20, DMS21, DMS22, DMS23, DMS24, DMS25, DMS27, DMS34, DMS36, DMS37, DMS89, DMS90, DMS91, DMS92, Tables 12.2, 12.3 and 12.6, and also noting in particular the following:

Objective DMS05 Require new residential developments in excess of 100 units and large commercial/retail developments in excess of 2000 sq.m to provide for a piece of public art to be agreed with the Council.

Objective DMS28 A separation distance of a minimum of 22 metres between directly opposing rear first floor windows shall generally be observed unless alternative provision has been designed to ensure privacy.

Objective DMS30 Ensure all new residential units comply with the recommendations of Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice

(B.R.209, 2011) and B.S. 8206 Lighting for Buildings, Part 2 2008: Code of Practice for Daylighting or other updated relevant documents.

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

Also related Objectives DMS57A, DMS57B.

The following objectives are noted in relation to playground facilities in residential developments:

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

Objective DMS76 Ensure that in the instance of an equipped playground being included as part of a specific facility, it shall occupy an area of no less than 0.02 hectares. A minimum of one piece of play equipment shall be provided for every 50 sq m of playground.

The following objectives relating to tree protection are noted:

Objective DMS77 Protect, preserve and ensure the effective management of trees and groups of trees.

Also related objectives DMS78 and DMS79, DMS81, DMS82, DMS84, DMS85, DMS86.

The following movement and transport objectives are noted:

Objective DM113 Limit the number of car parking spaces at places of work and education so as to minimise car-borne commuting. The number of car parking spaces at new developments will be in accordance with the standards set out in Table 12.8.

6.4. Statement of Consistency

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

- The development supports several NPF objectives including NPOS 1b, 2a, 3b, 4, 11, 27, 33 and 35.
- The development will support the delivery of objectives in Housing for All and Rebuilding Ireland, including the transfer of 26 no. units to Fingal County Council for social housing.
- The development will deliver increased residential density at a highly accessible site that is served by 3 no. bus routes within 700m and c. 700m from a proposed MetroLink station, in accordance with the Sustainable Residential Development in Urban Areas Guidelines. The application includes a detailed response to the 12 criteria set out in the Urban Design Manual.
- It is submitted that the development has an 'intermediate' urban location with regard to the Apartment Guidelines. The apartments have been designed to be consistent with the Apartment Guidelines with regard to, inter alia, housing mix, floor areas, floor to ceiling height, dual aspect ratio, number of units per core, internal storage and private and communal amenity space, with details provided in the submitted Housing Quality Assessment.
- The application includes an appraisal of consistency with DMURS.
- The applicant provides a rationale with regard to the development management criteria set out in section 3.2 and SPPR 4 of the Building Height Guidelines.
- The proposed childcare facility is in accordance with the Childcare Guidelines.
- The application includes a Site Specific Flood Risk Assessment (SSFRA) with regard to the Flood Risk Management Guidelines. The site is entirely within Flood Zone C and hence is at low risk of flooding.

- Table 7-13 of the Statement sets out consistency with development plan objectives including detailed standards for residential development, also a detailed response to Objective SANTRY 5.
- The Statement of Consistency also provides a detailed response to relevant policies and objectives of the Draft Fingal County Development Plan 2023-2029.

6.5. Statement of Material Contravention

6.5.1. The applicant has submitted a Material Contravention Statement in relation to the matters of unit mix, car parking, public open space, play facilities, separation distances and protection of trees, with regard to policies and objectives of the Fingal County Development Plan 2017-2023. At the outset, it is submitted that the development of both strategic and national importance with regard to the potential delivery of objectives and targets of Rebuilding Ireland, the NPF and the EMRA RSES, at a strategic location served by public transport, and that permission should be granted under section 37(2)(b)(i) of the Planning and Development Act 2000 (as amended). The points made in relation to each of the above matters may be summarised separately as follows.

6.5.2. Unit Mix Material Contravention

- It is recognised that there is a significant quantum of 2-bed units within the development, however there is some variation in size and form within the 2-bed units.
- Development plan Objective PM40 is noted. The development plan does not provide quantitative standards on housing mix in residential developments. Neither is it clear how a single development may be assessed within an undefined “residential area”. It is submitted on this basis that there are objectives in the development plan which are not clearly stated, insofar as the proposed development is concerned with regard to mix and range of housing types and therefore permission can be granted for the development under section 37(2)(b)(ii).
- The proposed unit mix is in accordance with SPPR 1 of the Apartment Guidelines and consistent with objectives of the NPF. The current development plan does not incorporate a Housing Need and Demand Assessment (HDNA). The

development is therefore in accordance with the Section 28 Apartment Guidelines and permission can be granted under section 37(2)(b)(iii).

- It is submitted that section 37(2)(b)(iv) applies with regard to unit mix at residential permissions granted at adjacent sites, as set out in the planning history above.

6.5.3. Car Parking Material Contravention

- Development plan Table 12.8 sets out car parking standards, ref. development plan Objective DM113. The plan goes on to state:

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

It is submitted that stating that car parking standards are “a guide” and that the principal objective” of such standards should be within the context of “promoting modal shift to more sustainable forms of transport” in accordance with Government policy implies that the rigid application of the standards is not required, also that the development plan parking standards are not consistent with the Apartment Guidelines. It is therefore not possible to definitively adjudge if the proposed car parking provision materially contravenes the development plan. It the Board is of the view that the proposed car parking provision is a material contravention of the development plan, the caveats attached to the application of the car parking standards mean that the objectives are not clearly stated, and therefore permission can be granted permission under section 37(2)(b)(ii).

- The development generally supports NPF objectives in relation to compact growth in urban areas, also referring to NPF NPO 13 and a performance based approach to car parking. The proposed quantum of parking is considered to be in accordance with the Apartment Guidelines, which allow for lower levels of car parking at Intermediate Urban Locations that are served by public transport. It is submitted on this basis that the proposed reduced rate of parking is appropriate and in accordance with national policy and guidance, noting also the submitted

mobility management proposals. The development is therefore in accordance with the Section 28 Apartment Guidelines and the NPF and permission can be granted under section 37(2)(b)(iii).

- It is submitted that section 37(2)(b)(iv) applies with regard to car parking provision at residential permissions granted at adjacent sites, as set out in the planning history above.

6.5.4. Public Open Space Material Contravention

- The application of development plan Objective PM52 on public open space would require c. 1.0 ha of open space based on an estimated population of 412.5. This provision is not practicable within a site area of c. 1.5 ha.
- The development plan allows for some flexibility in the application of public open space standards, stating:

The Council will employ a flexible approach to the delivery of public open space and more intensive recreational/ amenity facilities. It is the intention of the Council, however, to ensure, except under exceptional circumstances, public open space provision exceeds 10% of a development site area

The proposed public open space provision of c. 16% (2,407 sq.m) of the development site exceeds the 10% minimum but falls short of 1.0 ha. It is submitted that the lack of clarity in regard to the extent to which public open space may be provided at a rate below the maximum standard before being considered as materially contravening the objective means that it is not possible to definitively adjudge if the proposed public open space provision materially contravenes the development plan. If the Board is of the view that the proposed public open space provision is a material contravention of the development plan, the caveats attached to the application of the public open space standards mean that the objectives are not clearly stated, and therefore permission can be granted permission under section 37(2)(b)(ii).

- The Guidelines on Sustainable Residential Development in Urban Areas state that a minimum of 15% of the total site area should be provided as public open space on greenfield sites or those sites for which a local area plan is appropriate and that a minimum of 10% of the total site area should be provided as public

open space in other cases, such as large infill sites or brownfield sites. The development provides c. 16% (2,407 sq.m.) of the total site area as public open space, in accordance with these standards. It is therefore in accordance with the Section 28 Guidelines on Sustainable Residential Development in Urban Areas and permission can be granted under section 37(2)(b)(iii).

- It is submitted that section 37(2)(b)(iv) applies with regard to public open space provision at residential permissions granted at adjacent sites, as set out in the planning history above.

6.5.5. Play Facilities Material Contravention

- The two play areas within the proposed development have a combined total area of c. 0.037 ha, which significantly exceeds the 0.02 ha required by development plan Objective DMS76. One of the facilities proposed is on its own in excess of 0.02 ha. The other is not and is located within communal area dedicated to the residents of the development. Objective DMS76 is unclear if the area of each play area or the cumulative area of the play areas is required to be exceed 0.02 ha. Therefore, if the Board considers that the proposed play area is a material contravention of Objective DMS76, the objective is not clearly stated, insofar as the proposed development is concerned and therefore permission can be granted under section 37(2)(b)(ii).
- The proposed provision of play areas is in accordance with the standards for same set out in the Apartment Guidelines. The development is therefore in accordance with the Section 28 Apartment Guidelines and permission can be granted under section 37(2)(b)(iii).
- It is submitted that section 37(2)(b)(iv) applies with regard to the provision of play facilities at residential permissions granted at adjacent sites, as set out in the planning history above, in particular the Blackwood Square SHD ref. ABP-306075-19.

6.5.6. Separation Distances Material Contravention

- The separation distances in the development are less than the 22m minimum specified in development plan objective DMS28 in some instances.

- The Apartment Guidelines state that general blanket restrictions on building height or building separation distance that may be specified in development plans, should be replaced by performance criteria, appropriate to location.
- It is submitted that the 22m standard generally relates to rear windows at housing arranged back to back. It is noted that while the proposed separation distances between apartment blocks within the development do not rigidly accord with the statutory plan, the overall design intent is to achieve the objectives of the planning authority and provide a high quality residential scheme, with controlled aspects, off-set windows and balconies and other design measures, also to minimise overshadowing achieve best possible standards of daylight. It is submitted that the lack of clarity in regard to the requirement to provide the separation distance and the inconsistency with wider Government policy means that it is not possible to definitively adjudge if the proposed separation distances materially contravene the development plan, the objectives are not clearly stated, and therefore permission can be granted under the section 37(2)(b)(ii) or section 37(2)(b)(iii) with respect to the direction given in the Section 28 Apartment Guidelines.
- It is submitted that section 37(2)(b)(iv) applies with regard to separation distances at residential permissions granted at adjacent sites, as set out in the planning history above, in particular Reg. Ref. F15A/0440 (as amended) and ABP-306075-19.

6.5.7. Protection of Trees Material Contravention

- Tree Protection Objectives apply to 2 no. trees at the development site, both of which are incorporated into the proposed site layout. All of the other trees at the site are to be removed and replaced by proposed landscaping. It is submitted that the development will protect and enhance trees and hedges within the site. However, if Board considers that the proposed landscaping is contrary to the development plan, it is highlighted that the objectives PM64 and DMS77 do not clearly articulate the balance between the protection, preservation and management of trees. Furthermore the placement of a symbol associated with a specific objective seeking to protect and preserve trees, woodlands and hedgerows c. 200 m to the northwest of the development site on development

plan Map 11 means it is not clear if the subject site is specifically excluded from this protection. Therefore, development plan objectives are not clearly stated, insofar as the proposed development is concerned and permission can be granted under section 37(2)(b)(ii) of the Act of 2000.

- It is submitted that section 37(2)(b)(iv) applies with regard to the protection of trees at residential permissions granted at adjacent sites, as set out in the planning history above, where tree and hedge removal was warranted in some instances, in particular Reg. Ref. F18A/0421, F18A/0438, F19A/0401 and F19A/0419.

7.0 Third Party Submissions

7.1. The third party submissions have been made by or on behalf of local residents (Cedarview) and an elected representative. The following points are noted.

- The tenure of the development is unclear. Opposition to Build to Rent (BTR) development at this location, it is submitted that same would not be suitable for families. Prospective homeowners should be prioritised and this should be required by condition if permission is granted.
- The proposed housing mix lacks 3-bed units that would meet the housing needs of local families.
- The development will result in material contravention of the development plan in respect of several matters, including in relation to issues that will have a direct impact on local residents such as public open space, play facilities, separation distances and protection of trees.
- The existing provision of school places and other amenities in the area is not adequate to meet the needs of the community and the area does not have capacity for the development. There have been 1,070 new apartments permitted in the area since 2019 without any due consideration for services, amenities, schools, public transport, etc.
- The height and scale of the development are excessive and out of keeping with surrounding residential development. The height should be reduced to 5 storeys, in keeping with other developments in the area.

- The development will result in a disproportionate focus on high density residential development in the area.
- The development would result in adverse visual impacts at Cedarview due to its height and scale and insufficient distance to Cedarview.
- The development will result in loss of privacy, additional noise levels and overshadowing at Cedarview.
- Potential adverse impacts on solar panels at Cedarview due to overshadowing from the development.
- Lack of CGIs indicating proposed views from adjacent residential areas.
- It is critical that existing trees at the development site are retained in order to mitigate any further biodiversity / ecological impacts in the area.
- There is currently high congestion at local play facilities and amenities. The development should be designed to deter anti-social behaviour at public open spaces, this issue has arisen at local public open spaces. Adequate bins should be provided.
- The public open space and playground should be closer to Northwood Avenue rather than 'hidden' within the development.
- Proposals for public consultation on an agreed use of open spaces and private roads are welcomed.
- Concerns about lack of transport infrastructure in the area and delayed delivery of same, particularly MetroLink, also unsafe pedestrian infrastructure. The existing bus service in the area does not have capacity to serve the development. There are high levels of car ownership due to lack of public transport.
- A condition should be imposed requiring agreement to be reached between the NTA and Northwood management on the operation of the E1 bus service from within Northwood, close to Northwood Crescent, before the development is commenced.
- The development will result in congestion at Cedarview due to overspill car parking. There is currently a lack of on-street car parking at Cedarview, resulting in traffic hazard.

- It is unclear if the information provided in the Traffic and Transport Assessment (TTA) is up to date, as it refers to traffic information from 2019 when recently constructed developments in the area were not yet occupied. Also lack of clarity regarding proposed Bus Connects route E1, this should be resolved by condition if permission is granted.
- It is submitted that there has been increased speeding in the area since recent residential developments were occupied.
- The development should provide segregated pedestrian and cycle routes.
- Clarity is required regarding the provision of EV charging facilities.
- Development would result in light and air pollution.

7.1.1. The following points are noted from the submission made on behalf of the Sports Surgery Clinic:

- The Sports Surgery Clinic generally welcomes the development as part of the build out and completion of the Masterplan for this area.
- The observer wishes to clarify the planning status of the permitted access that forms part of the proposed layout at the eastern side of the development. A drawing is submitted to indicate the site access from Northwood Avenue as granted permission under Reg. Ref. F18A/0675, which is now in place.
- The site plan drawing no. 14030-9 PI 102 of the subject application indicates that the existing kerbing providing for the Sports Surgery Clinic is removed and a green strip is shown instead. This is an oversight. The matter has been discussed with the applicant and they are agreeable to the existing access from the mini roundabout remaining in situ.
- They are advised that the only way in which to clarify the status of the access is for the Board to attach a planning condition to the effect that the existing access as granted permission under F18A/0675 remain in place. The observer requests this condition in the interests of clarity and proper planning and sustainable development.

8.0 Planning Authority Submission

8.1. Fingal County Council has made a submission in accordance with the requirements of section 8(5)(a) of the Act of 2016. It summarises observer comments as per section 8(5)(a)(i) and the views of the elected members at a Special Meeting of the Balbriggan / Rush-Lusk / Swords Area Committee (Services B – Strategic and General Matters) (date not provided). The planning and technical analysis in accordance with the requirements of section 8(5)(a)(ii) and 8(5)(b)(i) may be summarised as follows.

8.2. Views of Elected Members

8.2.1. The following points are noted from the minutes of the Balbriggan / Rush-Lusk / Swords Area Committee:

- The SHD website is not working.
- SHDs should be refused and regular planning proposals that adhere to the Fingal County Development Plan and the Swords Masterplans (May 2019) should be submitted instead to Fingal County Council Planning Department.
- Some Elected Members welcomed the development.
- Will investment funds be prevented from buying BTR developments? Lack of opportunities for first time buyers to purchase. Need for mixed tenure development.
- Part V units should be fully integrated.
- High rise development needs to be in the right place.
- Queries on whether adequate storage space is provided in BTR for families.
- Delayed delivery of MetroLink, traffic and transport concerns, including limited services for the existing residential density. Concern about lack of access to public transport. Planning permission for MetroLink should be granted before any development is permitted on these lands.

8.3. Fingal County Council Planning and Technical Analysis

8.3.1. The planning and technical analysis comprises the planning report dated 7th June 2022, also the reports / comments of FCC Transportation Planning Section

(undated); FCC Water Services Department dated 11th May 2022; FCC Parks and Green Infrastructure Division dated 27th May 2022; FCC Architects Department dated 13th May 2022; FCC Community Archaeologist dated 3rd May 2022; FCC Environment Department Waste Management dated 9th May 2022 ; FCC Arts & Culture Department dated 3rd May 2022, all of which are incorporated into the following summary.

8.3.2. FCC Comment on Principle, Quantum and Height of Development

- The proposed residential development may be permitted in principle under the ME zoning objective at the development site. The development would be acceptable in principle, would be compatible with the overall policies and objectives for this zone, would not have undesirable effects, and would otherwise be consistent with the proper planning and sustainable development of the area.
- Notes existing and proposed public transport provision in the vicinity. The planning authority considers the proposed increased density to be generally acceptable, however ABP should satisfy itself of the situation regarding existing public transport in the vicinity and whether qualitatively or quantitatively this meets an appropriate standard for high quality provision in the interests of sustainable development and the proper planning of the area.
- The planning authority considers the proposed height to be acceptable at this location, having regard to the close proximity of the site to the future MetroLink and the precedent set in the area for increased height, subject to qualitative considerations.
- Whilst it is noted that the immediate area contains higher density residential development, the wider hinterland generally comprises low-density semi-detached and terraced housing therefore a well-designed high-density apartment scheme such as that proposed could sustainably optimise the land resource which would contribute to re-balancing the wider residential tenure.

8.3.3. FCC Comment on Design and Layout, Impacts on Visual and Residential Amenities

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

- The report of FCC Architects Department recommends amendments to avoid directly opposing windows between apartment blocks where the separation distance is less than 22m, also design tools for the elevational treatments such as projecting bay windows / variation of materials in order to provide relief from overbearance of these 5-8 storey facades on the residential amenity and spaces in between. The proposed northerly elevation of Block 5 would benefit from a less symmetrical design approach with greater variation in the rhythm of the window openings or employing design tools as above.
- States some concerns about the separation distances between blocks, particularly Blocks 4 and 5 and potential impacts on the privacy of apartment occupants.
- Given the adequate separation distances to adjacent residential developments, it is not foreseen that the development would have a negative impact on existing residential amenity in the area.
- Comment of FCC Parks and Green Infrastructure Division. Refers to development plan Objective DMS57 on public open space provision, which gives rise to an open space requirement of 1.03 ha for the development. The proposed public open space within the development site is not acceptable as it does not meet FCC standards for public open space provision, its shape and location are not suitable for active play, ref. development plan Objective DM63. A playground facility should be provided under Objectives DMS75 and DMS76. Recommends section 48 financial contributions to resolve this matter. It is imperative that two existing mature Sycamore trees at the site, which are subject to a TPO, are retained and that the outlined measures for retention are strictly adhered to.

8.3.4. FCC Comment on Movement and Transport

- Recommendations of FCC Transportation Planning Section.
- The proposed car parking provision is 158 no. spaces below development plan standards and 7 no. spaces above what the Transportation Planning Section considers to be the practical minimum parking provision. Car sharing spaces should not be counted as part of the car parking provision as they are not dedicated residential parking spaces. The proposed parking provision of 3 no. spaces for the creche should be controlled / limited by condition.

- The cycle parking provision for the residential units should be provided in full as per the Apartment Guidelines. However, the level of visitor cycle parking could be reduced or delivered on a phased basis as the demand for visitor cycle parking currently tends to be low with the result that visitor parking facilities tend to be underused / overprovided.
- Comments of FCC Transportation Planning section state that some aspects of the basement car park layout require clarification / improvement.
- Transportation Planning recommends conditions in relation to other matters.

8.3.5. FCC Comment on Other Matters

- Recommends a condition requiring that the creche be operational before the occupation of residential units.
- Part V condition recommended.
- FCC Water Services Department no objection subject to conditions.
- FCC Environment Department Waste Management recommends conditions.
- FCC Heritage Officer / Community Archaeologist concurs with the conclusion of the Cultural Heritage chapter of the EIAR.
- FCC Environment Department Waste Management recommends a condition.
- FCC Arts and Culture Department recommends a condition relating to the provision of public art at the development.

8.4. **Planning Authority Conclusion**

- 8.4.1. The planning authority recommends permission subject to conditions.

9.0 **Prescribed Bodies**

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

- Irish Water
- Dublin City Council

- Dublin Airport Authority
- Irish Aviation Authority
- National Transport Authority
- Transport Infrastructure Ireland
- Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media
- An Taisce
- Heritage Council
- The relevant childcare committee for the area

The responses received from Transport Infrastructure Ireland (TII), the Dublin Airport Authority (DAA), the Irish Aviation Association (IAA) and Irish Water may be summarised as follows.

9.2. **Transport Infrastructure Ireland**

- 9.2.1. The submission of TII states that it has no observations to make. Future LRT, Metro and BRT alignments are a matter for the NTA.

9.3. **Dublin Airport Authority**

- 9.3.1. The DAA submission provides the following statement:

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

9.4. **Irish Aviation Authority**

- 9.4.1. The IAA submission makes the following statement:

The applicant / developer should engage with Dublin Airport and the Irish Aviation Authority's Air Navigation Service Provider to undertake a preliminary assessment to review the potential impact of the proposed development (and any associated cranes necessitated during construction) on instrument flight procedures and the communications, navigation and surveillance equipment at Dublin Airport.

In the event of planning consent being granted, the applicant should be conditioned to provide at least 30 days notification of any proposed crane operations to Dublin Airport and the Authority.

9.5. **Irish Water**

- 9.5.1. The submission of Irish Water outlines upgrades necessary to facilitate connection to the public water supply and wastewater networks. Conditions are recommended.

10.0 **Assessment**

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

- Preliminary Matters
- Principle of Development
- Residential Density
- Building Height
- Housing Mix, Tenure and Part V
- Design and Layout, Quality of Residential Development
- Impacts on Visual and Residential Amenities
- Childcare Provision
- Movement and Transport
- Drainage, Flooding and Site Services
- Material Contravention

- 10.2. These issues may be considered separately as follows.

10.3. **Preliminary Matters**

- 10.3.1. Sustainable Urban Housing Design Standards for New Apartments Guidelines for Planning Authorities

The 2020 Apartment Guidelines were updated in December 2022, subsequent to the lodgement of the subject application. The updated Guidelines do not include Specific Planning Policy Requirements (SPPRs) 7 and 8, which relate to BTR development.

The amended Guidelines came into effect on 22nd December 2022. Transitional arrangements are set out in Circular Letter NRUP 07/2022, which states:

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

The following assessment is therefore based on the 2020 Apartment Guidelines.

10.3.2. Material Contravention Issues

The applicant has submitted a Material Contravention Statement in relation to the matters of unit mix, car parking, public open space, play facilities, separation distances and protection of trees, with regard to policies and objectives of the Fingal County Development Plan 2017-2023. The relevant technical matters and related development plan policies and objectives are addressed in each section, with the details of Material Contravention dealt with separately below.

10.4. **Principle of Development**

10.4.1. The proposed residential, childcare and open space land uses are all permitted in principle under the relevant ME Metro Economic zoning objective. I am satisfied that the proposed development is generally consistent with the overall vision for the ME zoned lands at this location, as per Objective SANTRY 5, given that it will provide high density residential development and improve connectivity in the area, subject to the retention of the existing trees on the site as considered below.

10.5. **Residential Density**

10.5.1. The development has a stated net residential density of 189 units/ha. Section 5.11 of the Sustainable Residential Development Guidelines generally recommends net residential densities of 35-50 units/ha at outer suburban / greenfield sites, defined as open lands on the periphery of cities or larger towns whose development will require the provision of new infrastructure, roads, sewers and ancillary social and commercial facilities, schools, shops, employment and community facilities. Section 5.8 of the Guidelines recommends minimum net densities of 50 units/ha within 500m of public transport corridors, subject to appropriate design and amenity standards.

Public transport corridors are defined as within 500m walking distance of a bus stop, or within 1 km of a light rail stop or rail station, with the capacity of public transport services to also be taken into consideration.

10.5.2. The applicant submits that this is an 'Intermediate Urban Location' with regard to the following definition of same set out in section 2.4 of the Apartment Guidelines:

- Sites within or close to i.e. within reasonable walking distance (i.e. up to 10 minutes or 800-1,000m), of principal town or suburban centres or employment locations, that may include hospitals and third level institutions;
- Sites within walking distance (i.e. between 10-15 minutes or 1,000-1,500m) of high capacity urban public transport stops (such as DART, commuter rail or Luas) or within reasonable walking distance (i.e. between 5-10 minutes or up to 1,000m) of high frequency (i.e. min 10 minute peak hour frequency) urban bus services or where such services can be provided;
- Sites within easy walking distance (i.e. up to 5 minutes or 400-500m) of reasonably frequent (min 15 minute peak hour frequency) urban bus services.

I agree with the applicant's contention that the site has an 'Intermediate Urban Location' with regard to the following:

- The site adjoins the Swift Square office complex to the west and the Sports Surgery Clinic to the east. It is c. 400m from Gullivers Retail Park and the Gullivers neighbourhood centre is c. 300m to the west. It is therefore within reasonable walking distance of several employment locations, noting existing pedestrian and cycle connections at Cedarview and Northwood Avenue.
- I am satisfied that the site is located within walking distance of a public transport corridor with regard to the presence of several bus services in the vicinity of the site at the Ballymun Road (c. 700m), also adjacent services at Swords Road and Santry Avenue and noting that the development will result in improved pedestrian /cycle connectivity. The nearest bus stop is c. 620m from the site at Ballymun Road. The Movement and Transport assessment below considers the capacity of existing public transport services in the area and finds them adequate.

- The ME zoning objective envisages high density development adjacent to the indicative location of the MetroLink Northwood stop, including at the development site.

10.5.3. The Apartment Guidelines state that such locations are generally suitable for smaller-scale (will vary subject to location), higher density development that may wholly comprise apartments, or alternatively, medium-high density residential development of any scale that includes apartments to some extent (will also vary, but broadly >45 units/ha net). I generally consider that the delivery of residential development on this residentially zoned, serviced site, in a compact form with higher density, would be consistent with the policies and intended outcomes of current Government policy, specifically the NPF, the RSES, the Sustainable Residential Development Guidelines and the Apartment Guidelines, which all look to secure more compact and sustainable urban development in the Dublin Metropolitan Area. The development plan does not specify limits to residential density with Objective PM41 stating it is an objective of the Council to encourage increased densities at appropriate locations whilst ensuring that the quality of place, residential accommodation and amenities for either existing or future residents are not compromised. I consider that the development is consistent with this objective. In addition, the stated vision for the ME zoning objective is for compact, high density development and I note that the CE report considers the proposed residential density to be generally acceptable. The CE report also comments that, while the immediate area contains higher density residential development, the wider hinterland generally comprises lower density 2-storey semi-detached and terraced housing and, therefore, a well-designed high density apartment development at the subject site could sustainably optimise the land resource, subject to further consideration of qualitative criteria.

10.5.4. The proposed residential density is therefore considered acceptable in principle at this location.

10.6. **Building Height**

10.6.1. Observers submit that the development is excessive in height, particularly in comparison to the existing adjacent 2 storey residential development at Cedarview to the immediate north of the site. The following assessment considers the principle of

building height at the proposed development, with regard to relevant local and national planning policy. Potential impacts on visual and residential amenities associated with building height and the quality of the proposed residential accommodation and its interaction with surrounding residential areas are considered separately elsewhere in this report.

10.6.2. The development generally has a height of up to 8 storeys with 9 storey blocks at corner locations. I note the following existing / permitted building heights in the vicinity:

- Swift Square office complex to immediate west, 5 storey (commercial)
- Sports Surgery Clinic, 4-5 storey (commercial)
- Carrington apartment complex to the south of Northwood Avenue, 6 storey
- Lymewood apartment complex to the south of Northwood Avenue, 5-6 storey
- Cedarview housing estate to north of the site, 2 storey
- Blackwood Square permitted SHD adjacent to the west, 8 storey

10.6.3. The development plan does not specify any particular height limit in this area. The development therefore does not contravene the development plan in respect of building height given that no specific height limit applies at this location and the issue of building height is not addressed in the applicant's Material Contravention Statement. As discussed above, I consider that the development site has an 'intermediate urban location' as per the Apartment Guidelines. Sections 2.11 and 2.12 of the Building Height Guidelines discuss locations where increased building height 'is not only desirable but a functional policy requirement' including intermediate urban locations where medium density residential development in excess of 45 units/ha would be appropriate. I note SPPR 4 of the Building Height Guidelines, which relates to suburban/edge locations:

It is a specific planning policy requirement that in planning the future development of greenfield or edge of city/town locations for housing purposes, planning authorities must secure:

1. *the minimum densities for such locations set out in the Guidelines issued by the Minister under Section 28 of the Planning and Development Act 2000 (as*

amended), titled “Sustainable Residential Development in Urban Areas (2007)” or any amending or replacement Guidelines;

- 2. a greater mix of building heights and typologies in planning for the future development of suburban locations; and*
- 3. avoid mono-type building typologies (e.g. two storey or own-door houses only), particularly, but not exclusively so in any one development of 100 units or more.*

Section 3.6 of the Building Height Guidelines also states in relation to such locations:

Development should include an effective mix of 2, 3 and 4-storey development which integrates well into existing and historical neighbourhoods and 4 storeys or more can be accommodated alongside existing larger buildings, trees and parkland, river/sea frontage or along wider streets.

I consider that the development is generally in accordance with the above, noting that:

- The development provides a satisfactory residential density
- The proposed height is generally consistent with existing building heights in the vicinity as set out above. The site is adjacent to larger buildings and fronts onto Northwood Avenue.
- The development will add to the variety of housing typologies available in this part of Dublin, as discussed elsewhere in this report.

10.6.4. Section 3 of the Building Height Guidelines sets out principles and criteria for planning authorities and the Board to apply when considering individual applications. The development may be considered with regard to the principles and criteria set out in section 3 of the Building Height Guidelines as follows, with regard to the rationale submitted by the applicant, to the analysis provided in the CE report and to third party comments. I am satisfied that there is adequate documentation on file, including drawings, layouts, design details, Landscape and Visual Impact Assessment (LVIA), photomontages and CGIs, the applicant’s Assessment of Daylight Access within the Proposed Development and the Daylight and Sunlight Access Impact Analysis, to enable due consideration on the following matters and I have had regard to same. The assessment is also based on my site inspection dated 2nd March 2023.

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

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

The development site is undeveloped zoned and serviced lands adjoining the built up area of Northwood, which is within an area designated as ME Metro Economic under the current development plan, where there is a vision for high density mixed-use development and to support the provision of an appropriate quantum of residential development within the Metro Economic corridor as per development plan Objective SANTRY 5. The strategic importance of the site and the potential of the development to contribute to several NPOs and RPOs is summarised above. The development is therefore considered to support the above principle.

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

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

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

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

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

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

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

At the scale of the relevant city/town

- The site is a substantial area of undeveloped zoned and serviced lands in an emerging mixed use and residential area where new development is envisaged under the RSES and the current county development plan.
- The site is in an area where high density residential and mixed use development is envisaged under the ME zoning objective.
- The site is adjacent to the Ballymun Road R108 / M50 interchange, c. 700m to the east of the indicative location of the MetroLink Northwood stop, c. 600m to the east of the proposed BusConnects route at the Ballymun Road and within walking distance of several bus routes at the Ballymun Road, see discussion of the capacity of existing public transport services in the area below.
- The site is not immediately adjacent to any designated Architectural Conservation Areas or protected structures. I am satisfied with regard to the submitted Architectural Design Statement, Architectural Report Relating to Materials and Finishes, Landscape Report, CGIs and LVIA that the development will not have any significant adverse visual impacts and that no key landmarks or views will be unduly impacted.
- Having considered the LVIA, along with comments of the observers and the planning authority and with regard to my inspection of the development site and

the surrounding area, I conclude that the proposed development at the site will not have any significant adverse visual impacts.

- I consider that the development will integrate into the area with new / improved pedestrian and cycle connections and will enhance the public realm with a public open space including a play area adjacent to Cedarview, as well as the creation of new/improved pedestrian and cycle connections between the adjacent residential areas to the north and west and Northwood Avenue. The development will also contribute to place-making in the vicinity. These outcomes are consistent with several aspects of the relevant SANTRY 5 development plan objective for the ME zoned lands at this location.
- Having regard to the analysis of impacts on residential amenities elsewhere in this report, I am satisfied that the development responds to the adjoining existing and permitted residential areas and will not result in significant adverse impacts on residential amenities by way of overlooking or overshadowing. I am therefore satisfied that the development responds to the scale of adjoining developments.

At the scale of the district/neighbourhood/ street

- The development will retain existing trees at the site and incorporates new landscaping, in accordance with relevant development plan objectives including Objective SANTRY 5.
- The development integrates with surrounding residential areas and provides new / improved pedestrian and cycle connections. I am satisfied that it will not have any significant adverse impacts on residential amenities or sensitive receptors.
- The issue of potential flood risk is assessed below, which concludes with regard to the Flood Risk Management Guidelines that the site is entirely located in Flood Zone C and that no significant flood risk arises at or as a result of the development.
- The development will provide landscaped public open spaces for the wider area and therefore, will provide an enhanced public realm and provides a satisfactory frontage to Northwood Avenue with a new public plaza at the southeastern corner of the site. I therefore consider that it will contribute to placemaking in the area.

- The proposed housing mix will improve the diversity of housing typologies available in this part of Dublin, which is generally characterised by low density two storey housing in the wider area, notwithstanding that there are several high density apartment complexes in the immediate vicinity of the development site.

At the sale of the site/ building

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

The attention of the Board is drawn to the below assessment of potential daylight, sunlight and overshadowing impacts on adjacent residential properties in detail and concludes that the development will not have significant adverse impacts on residential amenities by way of overshadowing.

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

The applicant's Assessment of Daylight Access within the Proposed Development considers access to daylight and sunlight within the proposed apartments as well as overshadowing of amenity spaces within the development, with regard to BS 8206-2:2008 recommendations, as summarised below. I am satisfied that the submitted Assessment of Daylight Access within the Proposed Development and Daylight and Sunlight Access Impact Analysis are sufficient to assess a development of the scale proposed. Overall, I consider that compliance with BRE 209 and BS2008 is

achieved, and that the amenity of existing residents and future residents is satisfactorily addressed and maintained.

Specific Assessments

- The application includes an EIAR and an AA Screening Report which consider ecological impacts including birds and bats and potential effects on designated site with regard to their conservation objectives.
- EIAR Chapter 11 provides an assessment of microclimate impacts and pedestrian comfort at ground level.
- EIAR Chapter 16 considers impacts on material assets including telecommunications.
- The comments of the Dublin Airport Authority and the Irish Aviation Authority regarding potential impacts on air safety are noted. Conditions are recommended but no specific assessment is requested or advised.

10.6.7. Having regard to the applicant's rationale, to the comments of observers and prescribed bodies and to my above assessment and in view of other national policies, and noting that the FCC CE Report states no objection to the proposed building height, I consider that the development satisfies the criteria set out in section 3.2 of the Building Height Guidelines. The proposed building heights are therefore considered acceptable in principle.

10.7. Housing Mix, Tenure and Part V

10.7.1. Observers and FCC elected members state concerns about the possibility of Build to Rent (BTR) development, transient occupancy of the proposed apartments and lack of larger units that could cater for local families. The development comprises 229 no. 2-bed units (90% of the entire development), 11 no. 1-bed units (11%) and 15 no. 3-bed units (6%). The description of the development does not explicitly refer to the tenure of the proposed apartments, however they are designed to meet the requirements for standard apartment units as per the Apartment Guidelines, rather than as BTR units with regard to SPPRs 7 and 8 of the 2020 Apartment Guidelines, and are assessed in this context in the discussion of the quality of residential accommodation below. The future occupancy or ownership of the units (other than

Part V units) cannot be anticipated at present and is therefore outside the scope of this assessment.

- 10.7.2. I note the submitted Unit Mix Report, which seeks to justify the proposed housing mix in the context of local demographic analysis and national planning and housing policies including the FCC Housing Strategy, which states:

57% of all households in the Dublin Region will be for one and two person households, while three person households will account for a further 18%. It is likely that a high proportion of the 18% may be in Fingal but there should be choice so that people can move freely within the area in which they live, as their needs and circumstances change.

It is submitted that the development will contribute towards greater choice and a housing stock more consistent with housing demand.

- 10.7.3. SPPR 1 of the Apartment Guidelines specifies that developments may include up to 50% 1-bed or studio type units, with no minimum requirement for apartments with 3 or more bedrooms. The proposed housing mix is consistent with SPPR 1.

Development plan Objective PM38 is to achieve an appropriate dwelling mix, size and tenure in all new residential developments and Objective PM40 is to ensure a range and mix of housing types are provided in all residential areas to meet the diverse needs to residents. The development management standards set out in development plan Chapter 12 do not specify any housing mix requirements for apartment developments. Development plan section 12.4 states in relation to residential developments:

The dwelling mix in any residential scheme should provide a balanced range of dwelling types and sizes to support a variety of household types. On smaller infill sites, the mix of dwellings should contribute to the overall dwelling mix in the locality.

While I note that the submitted Material Contravention Statement addresses the matter of housing mix, I do not consider that the development materially contravenes the development plan in this respect with regard to Objectives PM38 and PM40 and development plan section 12.4. I accept that the area immediately around the development site is predominantly developed as apartments. However, I consider that the wider area in this part of Dublin is generally characterised by low density, 2 storey residential development. I consider that the proposed housing mix will

enhance the range of housing typologies in the area, in accordance with the stated vision of high density development for ME zoned lands and generally in accordance with local and national planning policy on housing mix and I note that the CE Report states similar views.

10.7.4. The development provides 26 no. units (10%) to meet Part V obligations, all located in Block B1 comprising 6 no. 1-bed units and 20 no. 2-bed units. A site layout plan indicating the Part V units is submitted, along with costings. The CE Report states that the applicant has liaised with FCC Housing and Community Department and states no objection to the proposed Part V provision. The applicant has submitted a Part V Validation Letter from FCC Housing and Community Department, dated 31st March 2022, which confirms that they have submitted a Part V proposal. I note the recent Housing for All Plan and the associated Affordable Housing Act 2021, which requires a contribution of 20% of land that is subject to planning permission, to the planning authority for the provision of affordable housing. There are various parameters within which this requirement operates, including dispensations depending upon when the land was purchased by the developer. In the event that the Board elects to grant permission, a condition can be included with respect to Part V units and will ensure that the most up to date legislative requirements will be fulfilled by the development. While I note observer comments that Part V units should be dispersed throughout the development, there may be operational reasons for the location of the proposed Part V units and, in any case, the finalised Part V arrangement will be agreed by condition to the satisfaction of the planning authority.

10.8. **Design and Layout, Quality of Residential Development**

10.8.1. Proposed Design and Layout

Vehicular access to the development is via an existing access road that serves the Sports Surgery Clinic, which is included within the red line site boundary. The site access will connect to an existing mini-roundabout on the eastern side of the site, at the access to the Sports Surgery Clinic. The access leads to a ramp to the basement car park. There is a separate pedestrian and cycle link that runs from Northwood Avenue, along the eastern and northern site boundaries and beyond through the northern end of the Swift Square car park, to connect to the local road to the west of

the site. An additional pedestrian / cycle connection to Northwood Avenue is provided at the public open space on the western side of the development.

The residential development comprises 5 no. blocks laid out around a central landscaped courtyard. Blocks 2, 3 and 4 are set back from the frontage to Northwood Avenue due to the presence of a sewer wayleave at this location, however the development will maintain the established building line set by the Swift Square office complex to the west and the Sports Surgery Clinic to the east, while following the curvature of Northwood Avenue. The proposed communal facilities comprising a concierge / multi function space (c. 246 sq.m.) and a gym (73 sq.m.) are located on the ground floor of Block 2 and in a single storey annex to same, facing Northwood Avenue to provide an animated frontage at this location. The entrance to Block 2 is marked by a public plaza at the junction of Northwood Avenue and the eastern access road. The creche is located on the ground floor of Block 1, facing the access road, with an adjacent drop off area at the eastern access road and an associated outdoor play area to the rear adjoining the communal courtyard. Block 5, at the north western corner of the site, steps down from 9 to 5 storeys where it faces Cedarview.

The proposed public and communal open spaces are as follows, as detailed in the Architectural Design Statement and Landscape Report:

Public / communal open space	Area
Public open space on the western site of the site, at the interface with the Swift Square office complex and the Cedarview development, including play area facing Cedarview and pedestrian /cycle connections to Northwood Avenue	2,407 sq.m.
Public realm area at the site frontage to Northwood Avenue. The setback at the wayleave allows for the provision of pedestrian and cycle facilities, as per the indicative pedestrian/ cycle route indicated along the site frontage in development plan Map 11.	1,379 sq.m.
Public Plaza facing Northwood Avenue at the southeastern corner of the site with stone paving and raised planters (public art at this location may be required by condition)	482 sq.m.
Landscaped communal open space at the centre of the site (semi-private) with play area	2,250 sq.m.

The submitted Architectural Report Relating to Materials and Finishes indicates that the elevations will have a limited palette of materials comprising stone cladding to the southeast to create a landmark facing Northwood Avenue, with buff brick being the primary finish to other elevations, with stone cladding feature elements and metal elements at penthouse level. Balconies are composed of glazed panels in a steel structure.

10.8.2. Provision of Public Open Space and Play Facilities

Development plan section 12.7 states:

For all developments with a residential component, the overall standard for public open space provision is a minimum 2.5 hectares per 1000 population. In order to provide existing and future communities with adequate recreational and leisure opportunities, the Council will employ a flexible approach to the delivery of public open space and more intensive recreational/amenity facilities. It is the intention of the Council, however, to ensure, except under exceptional circumstances, public open space provision exceeds 10% of a development site area.

Development plan Objective DMS57 requires a minimum public open space provision of 2.5 ha per 1,000 population, based on residential units with an agreed occupancy rate of 3.5 persons in the case of dwellings with three or more bedrooms and 1.5 persons in the case of dwellings with two or fewer bedrooms. This entails a requirement of c. 1.03 ha (10,300 sq.m.) for the proposed development. As set out above, the development provides a total of 4,268 sq.m. of public open space, which does not meet this quantitative requirement. The public open space provision does, however, exceed 10% of the total site area (c. 1,500 ha), as per development plan Objectives DMS57A and DMS57B. The matter of public open space is addressed in the applicant's Material Contravention Statement. However, I do not consider that the proposed public open space provision materially contravenes the development plan. As quoted above, development plan section 12.7 allows for a flexible approach to the delivery of public open space within developments. In addition, development plan Objective PM53 provides:

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

I am satisfied that the proposed public open space provision, while limited in scale, will provide a substantial contribution to the public realm with a play area and new pedestrian / cycle connections between Cedarview, Northwood Avenue and the wider area, in accordance with development plan Objective SANTRY 5. In addition, the site is c. 250m from Santry Park, a regional park and is a similar distance from the Santry River amenity walk, therefore additional amenities are easily accessible to residents of the development. The CE Report states that the proposed public open space provision is not acceptable as it does not meet FCC standards for public open space provision and its shape is not suitable for active play. In addition, the report of FCC Parks and Green Infrastructure Division states that the design and layout are not considered suitable to be Taken in Charge. However, the CE Report does also recommend that the quantitative shortfall in public open space may be addressed by a section 48 financial contribution in lieu of public open space provision, to be applied towards the continued upgrade of local Class 1 open space facilities in the Santry Demesne. I consider that the proposed public open space provision is acceptable on this basis, given that the matter of designing the space to the required standard for Taking in Charge may also be addressed by condition, as recommended by FCC Parks and Green Infrastructure Division. In addition, a condition requiring a section 48 development contribution is recommended in the event that permission is granted.

The submitted Wind and Microclimate Modelling Study, presented in EIAR Chapter 11, finds that there is no critical area within the development that is unacceptable for pedestrian comfort with regard to the Lawson Criteria. Most of the central courtyard and the site frontage to Northwood Avenue are suitable for long term sitting and the open space at the western side of the site is suitable for standing or short term sitting, ref. EIAR Figure 11.53. In addition, the development has a beneficial effect on the surrounding wind microclimate. The applicant's Assessment of Daylight Access Within the Proposed Development finds that all of the public open spaces within the development will achieve considerably more sunlight than the BRE criterion of two or more hours of sunlight to over 50% of their areas on 21st March. The assessment finds that the proposed central courtyard and the creche open space will receive two hours sunlight over c. 39% and 40% of their respective areas for at least two hours on 21st March. As such, these spaces do not achieve the above BRE recommended

criterion. However, the analysis puts forward the following compensatory measures for this shortfall:

- The communal open space will receive sunlight over more than half its area until the early afternoon during the summer months, while the creche open space will receive a very high degree of sunshine throughout the day during the summer months, within its operating hours when it is expected that the play area will be in full use.
- The communal open space exceeds the required minimum area; 2,520 sq.m. provided, 1,793 sq.m. minimum. The quality of the open space in the courtyard is enhanced by the retention of the existing trees.
- The wind microclimate analysis indicates that there is no area within the courtyard that does not meet the pedestrian comfort criteria.

These points are accepted and I am satisfied overall, with regard to the proposed landscaping details, that the development will provide an adequate quality of public and communal open space.

Section 41.3 of the Apartment Guidelines addresses play areas within residential developments. Children's play needs are to be catered for:

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

Development plan Objective PM63 is to facilitate the provision of appropriately scaled children's playground facilities within new and existing residential development and Objective DMS75 is to provide playground facilities within residential developments at a rate of 4 sq.m. per residential unit (1,020 sq.m. / 0.1 ha). Objective DMS76 states that an equipped playground being included as part of a specific facility shall occupy an area of no less than 0.02 hectares. The proposed

public play area is located at the northeastern corner of the site, facing Cedarview (stated area 280 sq.m.), which is designed to cater for older children. There is also a smaller play area (87 sq.m.) within the semi-private courtyard, which is intended for use by younger children. This provision meets the requirements of the Apartment Guidelines. However, the total provision of 367 sq.m. (c.0.04 ha) does not meet the quantitative requirement stated in Objective PM63 and the smaller play area does not meet the 0.2 ha quantitative requirement. This shortfall with regard to development plan standards is addressed in the Material Contravention Statement. The CE Report recommends a section 48 financial contribution in lieu of the playground provision, to be used towards the improvement of play facilities in Santry Demesne. I consider that this is a satisfactory solution, given the limited size of the site and consequent limited scope for provision of additional play facilities, and a section 48 development contribution is recommended in the event that permission is granted.

10.8.3. Tree Removal

Third party submissions state concerns about the proposed removal of existing trees at the development site. There are two sycamore trees at the centre of the site, which are the subject of a Tree Protection Order (TPO). The development has been designed to retain these trees as the focus of the central courtyard and the basement car park layout retains an area larger than their root protection area, along with other tree protection measures. The remainder of the trees at the site are to be removed to facilitate the development. The Arboricultural Report states that the TPO dates back to 1987, when the sycamore trees were extant, but the remainder of the trees at the site have grown since the original TPO. The trees to be removed are mainly categorised 'C' (poor) or 'U' (dead / dying /dangerous) quality. They are young, relatively small trees, whose loss might be mitigated by replacement with similarly sized material. The report of FCC Parks and Green Infrastructure states no objection to the removal of existing trees, subject to the protection of the existing sycamore trees (to be subject to a Tree Bond). I have no objection to the removal of poor quality trees that are not subject to a TPO in order to facilitate the development. I also consider that the removal of existing trees at the site would be offset by the proposed landscaping scheme, which involves a significant amount of planning in the communal courtyard and public open space areas.

The Material Contravention Statement states that the development may materially contravene development plan objectives relating to tree protection, ref. PM64 and DMS77. Objective SANTRY 5 also includes an objective to ensure the continued protection of trees within the subject lands. These objectives all generally relate to the protection of trees and hedgerows and I do not consider that they preclude the removal of some of the existing vegetation at the development site. I therefore do not consider that the proposed removal of existing trees at the development site materially contravenes the development plan.

10.8.4. Design of Apartment Blocks

As per the submitted Housing Quality Assessment, Architectural Design Statement and Statement of Consistency, the development has been designed to be generally consistent with the quantitative standards of the Apartment Guidelines for standard apartment developments with regard to unit floor areas as per SPPR 3, floor to ceiling height as per SPPR 5, number of units per lift core as per SPPR 6, internal storage areas and private amenity space as per the standards set out in Appendix 1. The communal amenity space requirements set out in Appendix 1 of the Apartment Guidelines entail a requirement for 1,763 sq.m. for the development, which is exceeded by the courtyard area of 2,560 sq.m., noting also the provision of a communal concierge area (c. 246 sq.m.) and gym (73 sq.m.) in Block 2. The development provides a total of 56% dual aspect units. Having regard to the submitted floor plans, I am satisfied that the units in question are 'proper' dual aspect units and not defined as same due to 'pop out' elements. This provision exceeds the requirement of SPPR 4 of the Apartment Guidelines for > 50% dual aspect units at Intermediate urban locations. The development is also consistent with related development management objectives for residential development in the development plan, which generally reflect the Apartment Guidelines, ref. Objectives DMS20, DMS22, DMS23, DMS24, DMS25, DMS26, Tables 12.2 and 12.3.

Development plan Objective DMS28 states:

A separation distance of a minimum of 22 metres between directly opposing rear first floor windows shall generally be observed unless alternative provision has been designed to ensure privacy. In residential developments over 3 storeys, minimum

separation distances shall be increased in instances where overlooking or overshadowing occurs.

The separation distances between the gable ends of blocks are less than 22m and the matter of separation distances is addressed in the Material Contravention Statement. Given that Objective DMS28 states that the 22m distance shall generally be observed, which allows for some flexibility, I do not consider that the development plan materially contravenes the development plan in this respect. The report of FCC Architects Department recommends design measures to prevent overlooking between facades. Having regard to the detailed design and layout of the blocks, I note that opposing facades are generally offset or have staggered fenestration to prevent direct overlooking. In addition, I consider opaque windows to the ground to 6th floors at the western sides of Blocks 1 and 3 could also be required by condition, noting that the windows in question are not the primary windows to habitable rooms. The separation distances between the blocks are considered acceptable on this basis.

10.8.5. Daylight and Sunlight to Proposed Residential Units

Development plan Objective DMS30 states:

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

Section 3.2 of Building Height Guidelines states that the form, massing, and height of proposed development should be carefully modulated so as to maximise access to natural daylight, ventilation and views and minimise overshadowing and loss of light. The Guidelines state that appropriate and reasonable regard should be taken of quantitative performance approaches to daylight provision outlined in guides like the BRE 'Site Layout Planning for Daylight and Sunlight' (2nd edition) or BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'. Where a proposal may not be able to fully meet all the requirements of the daylight provisions above, this must be clearly identified and a rationale for any alternative, compensatory design solutions must be set out, in respect of which the planning authority or ABP should apply their discretion, having regard to local factors including specific site

constraints and the balancing of that assessment against the desirability of achieving wider planning objectives. Such objectives might include securing comprehensive urban regeneration and / or an effective urban design and streetscape solution. The Sustainable Urban Housing Design Standards for New Apartments Guidelines, 2020 also state that planning authorities should have regard to these BRE or BS standards.

The applicant's Assessment of Daylight Access within the Proposed Development is based on recommendations outlined in the BRE 'Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice guide' (BRE Guide) which is also referred to as BRE 209 and the "BS 8206-2:2008: Lighting for Buildings - Part 2: Code of Practice for Daylighting". I have considered the report submitted by the applicant and have had regard to the above guidance documents. I note and acknowledge the publication of the updated British Standard (BS EN 17037:2018 'Daylight in Buildings), which replaced the 2008 BS in May 2019 (in the UK) but also note that this updated guidance does not have a material bearing on the outcome of the assessment and that the relevant guidance documents remain those referred to in the Urban Development and Building Heights Guidelines. It should also be noted at the outset that the standards described in the BRE guidelines are discretionary and not mandatory policy/criteria. The BRE guidelines also state in paragraph 1.6 that, although it gives numerical guidelines, these should be interpreted flexibly since natural lighting is only one of many factors in site layout design. The BRE note that other factors that influence layout include considerations of privacy, security, access, enclosure, microclimate etc. in Section 5 of the standards. In addition, industry professionals would need to consider various factors in determining an acceptable layout, including orientation, efficient use of land and arrangement of open space, and these factors will vary from urban locations to more suburban ones.

The Assessment of Daylight Access within the Proposed Development considers daylight to the proposed apartments in terms of Average Daylight Factor (ADF). In general, ADF is the ratio of the light level inside a structure to the light level outside of structure expressed as a percentage. The BRE 2009 guidance, with reference to BS8206 – Part 2, sets out minimum ADF values that should be achieved, these are 2% for kitchens, 1.5% for living rooms and 1% for bedrooms. Section 2.1.14 of the BRE Guidance notes that non-daylight internal kitchens should be avoided wherever

possible, especially if the kitchen is used as a dining area too. If the layout means that a small internal galley-type kitchen is inevitable, it should be directly linked to a well daylit living room. This guidance does not give any advice on the targets to be achieved within a combined kitchen/living/dining layout. It does, however, state that where a room serves a dual purpose the higher ADF value should be applied. All of the proposed apartments include a combined living/kitchen/dining room (LKD).

The Assessment of Daylight Access within the Proposed Development provides ADF analysis for a sample of apartments within the development. The sample includes all ground floor units and a selection of units at first floor level. It is submitted that the units selected represent a 'worst case scenario' and this is accepted given the location of the units analysed. The assessment provides analysis of compliance with the 2% ADF target for LKDs (all are open plan) and 1% for bedrooms. I am satisfied that the applicant's Assessment is based on a robust methodology, as set out in section 2 and the Technical Appendix of same, and I see no reason to question its conclusions. All of the units assessed meet the above BRE criteria. It is submitted that, given that worst case analysis units were included in the assessment sample, these results would suggest that all units within the development are likely to achieve ADFs in excess of the minimum standards outlined in the BRE Guide. No additional compensatory measures are proposed as all rooms assessed meet the criteria.

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

10.8.6. Design and Layout Conclusion

Development plan Objective ED100 is to ensure high quality urban design proposals within ME zoned lands, incorporating exemplary public spaces, contemporary architecture and sustainable places within a green landscape setting. To conclude, having regard to the above assessment, I consider that the development will provide a satisfactory standard of accommodation for residents of the scheme and will make a substantial contribution to the public realm of the area in accordance with relevant development plan objectives. The submitted Operational Management Plan, Operational Waste Management Plan and Building Lifecycle Report are also noted in this regard.

10.9. **Impacts on Visual and Residential Amenities**

10.9.1. There are residential properties at Cedarview to the north of the development site and at the Carrington and Lymewood developments to the south, on the opposite side of Northwood Avenue. Observer submissions, which are primarily from residents of Cedarview, state concerns about proximity to Cedarview and about potential overshadowing, overlooking and overbearing visual impacts. These issues may be considered separately as follows.

10.9.2. Overlooking Impacts on Residential Amenities

Block 5 at the northern side of the site is the closest element to adjacent houses within Cedarview. The northern elevation of Block 5 is stepped such that the 5 storey element of Block 5 is c. 26m from the side of the nearest house at no. 42 Cedarview. The 6th and 7th floors of Block 5 are set back by a further 4m. The 8th floor of Block 5 is set back a further 6m and the 9th floor is set back a further 4m. The northern elevation of Block 5 has been designed to present an active frontage to Cedarview. While there are windows and balconies to habitable rooms in the upper floors of Block 5, I consider that this is acceptable given the intervening distances and that the development therefore will not result in undue overlooking of adjacent residential properties in Cedarview such as would warrant a refusal of permission in this instance. No other element of the development will result in direct overlooking of Cedarview and Block 1, the other block on the northern side of the site, is angled towards the Sports Surgery Clinic and associated grounds.

To the south of the site, the southern elevations of Blocks 2, 3 and 4 are c. 35-40 m from opposing facades in the Carrington and Lymewood developments. This intervening distance is sufficient to obviate direct overlooking.

10.9.3. Overshadowing Impacts on Residential Amenities

In designing a new development, it is important to safeguard the daylight to nearby buildings. EIA Chapter 10 includes a Daylight and Sunlight Access Impact Analysis, which considers daylight and sunlight impacts on adjacent residential properties in terms of potential effects of the development on daylight Vertical Sky Component (VSC) and Annual Probable Sunlight Hours (APSH), with regard to the BS 2008 Code of Practice for Daylighting and the BRE 209 'Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice' (2011). As discussed in relation to daylight levels within the proposed apartments, the applicant's analysis also refers to the updated British Standard (BS EN 17037:2018 'Daylight in Buildings'), which replaced the 2008 BS in May 2019 (in the UK), however this updated guidance does not have a material bearing on the outcome of this assessment and the relevant guidance documents in this case remain those referred to in the Urban Development and Building Heights Guidelines, i.e. BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'. I have used these guidance documents to assist in identifying where potential issues/impacts may arise and to consider whether such potential impacts are reasonable, having regard to the need to provide new homes within an area identified for residential development/compact growth, and to increase densities within zoned, serviced and accessible sites, as well as ensuring that the potential impact on existing residents is not significantly adverse and is mitigated in so far as is reasonable and practical.

The Daylight and Sunlight Access Impact Analysis considers impacts on VSC to sample windows at nos. 42-45 Cedarview, nos. 30-32 Cedarview, Lymewood Mews, The Cedars Carrington, The Alders Carrington, the Swift Square office complex and the Sports Surgery Clinic. These locations are selected with regard to the relative orientation and intervening distances. I am satisfied that these are the properties most likely to experience effects on daylight and sunlight with regard to their orientation and proximity to the proposed development.

In general, Vertical Sky Component (VSC) is a measure of the amount of sky visible from a given point (usually the centre of a windows) within a structure. The BRE guidelines state that if the VSC, with the new development in place, is both less than 27% and less than 0.8 times its former value occupants of the existing building would notice the reduction in the amount of skylight. The following points of the Daylight and Sunlight Access Impact Analysis are noted, with regard to the detailed VSC analysis results presented in EIAR Table 10.1:

- There is a slight impact at one ground floor window in no. 42 Cedarview. All other windows analysed at no. 42 Cedarview meet BRE criteria for VSC.
- Windows assessed at nos. 43-45 Cedarview and nos. 30-32 Cedarview meet BRE criteria for VSC.
- A slight impact is identified at some windows tested at the opposing facades at Lymewood Mews.
- Windows assessed at The Cedars and The Alders in Carrington all meet BRE criteria for VSC.
- There is a moderate impact on several windows at the Swift Square complex.
- Windows assessed at the Sports Surgery Clinic all meet BRE criteria for VSC.

The following instances are noted where windows tested did not meet the BRE targets:

Location / window no.	Baseline VSC	Proposed VSC	Ratio of Proposed to existing VSC
42 Cedarview GF no. 2	36.80	26.77	0.73
Lymewood GF no. 21	25.55	17.19	0.67
Lymewood GF no. 22	31.93	24.77	0.78
Lymewood GF no. 23	33.31	26.16	0.79
Lymewood GF no. 24	22.81	16.06	0.70
Lymewood GF no. 27	21.73	15.83	0.73
Lymewood GF no. 28	21.60	16.11	0.75

Lymewood 1 st Fl no. 35	25.93	18.64	0.72
Lymewood 1st Fl no. 38	23.23	17.24	0.74
Lymewood 1 st Fl no. 41	22.18	16.98	0.77
Lymewood 1st Fl no. 42	22.10	17.22	0.78
Lymewood 2 nd Fl no. 49	26.27	20.10	0.77
Lymewood 1 st Fl no. 52	23.59	18.55	0.79
Swift Square GF no. 112	31.24	17.73	0.57
Swift Square GF no. 113	37.65	25.44	0.68

The Daylight and Sunlight Access Impact Analysis does not present aggregate figures for the total number of windows assessed for VSC. However, EIAR section 10.3.2.3 concludes that the development will have an ‘imperceptible’ to ‘slight’ impact at no. 42 Cedarview and at Lymewood Mews and no significant impact at other locations in Cedarview or at Carrington, or at the Sports Surgery Clinic. These conclusions are accepted with regard to the detailed analysis presented in the EIAR document. There is potential for ‘slight’ to ‘moderate’ impacts at the Swift Square office complex, however this is acceptable given the non-residential use at that location.

The EIAR also considers potential cumulative impacts on VSC at adjacent properties for the current proposed development in combination with a proposed development envisaged for the Swift Square car park, to the north of the Swift Square office complex and northwest of the development site. Detailed results are presented in EIAR Table 10.2. EIAR section 10.3.4.2 comments that the proposed development, in combination with the envisaged development at Swift Square, has the potential to result in some additional impacts on daylight access to neighbouring residential buildings at Cedarview and Lymewood Mews and non-residential buildings at Swift Square and the Sports Surgery Clinic, with a greater reduction in VSC to some windows in existing buildings. However, the further reduction is likely to be so minor that it would not change the way the impact to that building was assessed as above. The analysis indicates that the greatest potential for cumulative impacts on daylight access arises in relation to a small number of houses at Cedarview, however any impacts at this location are likely to be minor. In particular, there is a potential ‘slight’

to 'moderate' cumulative impact on south facing windows at no. 42 Cedarview, a potential for a "slight" cumulative impact on daylight access to No. 32 Cedarview, also minor cumulative impacts on daylight access within existing north-facing rooms at Lymewood Mews. Given that the development of the Swift Square site has not yet come forward as a planning application, it is considered that these results have indicative status only.

The Daylight and Sunlight Access Impact Analysis considers impacts on Annual Probable Sunlight Hours (APSH) and Winter Probable Sunlight Hours (WPSH) as a result of the development. British Standard BS 8206: Part 2:1992 recommends that interiors where the occupants expect sunlight should receive at least one quarter (25%) of APSH, including at least 5% of annual probable sunlight hours during the winter months (21st September to 21st March). If the available sunlight hours are both less than the amount given and less than 0.8 times their former value, either over the whole year or just during the winter months and reduction in sunlight across the year has a greater reduction than 4%, then the occupants of the existing building will notice the loss of sunlight. The BRE recommendations note that if a new development sits within 90° due south of any main living room window of an existing dwelling, then these should be assessed for APSH. The Daylight and Sunlight Assessment therefore calculates APSH and WPSH for adjacent windows meeting the following criteria:

- The existing building has living room with a main window which faces within 90° of due south.
- Existing building is located to the North, East, or West of the proposed development.
- VSC of the existing window is less than 27%.

In the interests of completeness, the assessment also provides detailed quantitative analysis of the potential impact of the development on sample north-facing windows at existing north-facing buildings with reference to the tests outlined for windows facing within 90° of due south.

EIAR Table 10.3 presents detailed results for the APSH and WPSH analysis. The following points of same are noted:

- While windows tested at no. 42 Cedarview fall below some of the BRE criteria, there is no instance where a window fails to meet all of the criteria identified above. The EIAR assesses sunlight impacts at no. 42 Cedarview as 'imperceptible' to 'not significant' and I concur with this assessment with regard to the detailed results presented in Table 10.3.
- The detailed sunlight analysis finds similar results at nos. 43-45 and 30-32 Cedarview. There is no instance where all BRE sunlight criteria are not met. The EIAR again assesses sunlight impacts at these locations as 'imperceptible to not significant' and this conclusion is accepted with regard to the detailed results presented in Table 10.3.
- There is no instance where all BRE criteria are not met at Lymewood. While I note that existing sunlight hours are low at this location, the development will not result in a significant change to same, given its relative orientation to the north of Lymewood. The EIAR states that the development will have no significant sunlight impacts at Lymewood and this conclusion is accepted with regard to the detailed results presented in Table 10.3.
- Similarly, there is no instance where all of the BRE criteria are not met at Carrington. The EIAR assesses sunlight impacts at Carrington as none or imperceptible and this conclusion is accepted with regard to the detailed results presented in Table 10.3 and to the relative orientation of the proposed development.
- No significant sunlight impacts are identified at Swift Square or the Sports Surgery Clinic.

The EIAR also considers cumulative sunlight impacts associated with the envisaged development at the Swift Square site, with detailed results presented in EIAR Table 10.5. As is the case with the cumulative VSC analysis, these results are indicative only given that no application has been lodged for any development on the Swift Square site. EIAR section 10.4.4.2 comments that the combined developments would result in some additional impacts on sunlight access to some neighbouring houses and gardens/amenity areas at Cedarview. In most cases, the analysis indicated that the further reduction in sunlight as a result of combined impacts is likely to be very minor. There is a potential for 'moderate to significant' impacts at

one front window at no. 32 Cedarview, however this impact is primarily due to the envisaged development on the adjoining site.

The EIAR also considers potential overshadowing of gardens adjacent to the development with regard to the BRE criterion the of two or more hours of sunlight to over 50% of their areas on 21st March. The detailed results presented in EIAR Table 10.4 indicate that all of the amenity spaces analysed currently meet the BRE criterion before and after the development. Impacts are generally assessed as 'imperceptible' to 'slight' and, while I note that there will be some impacts at certain hours on March 21st, particularly at 42 Cedarview, the impacts overall are not significant. No impacts are identified at nos. 43-45 Cedarview or at the central public open space at Cedarview. The EIAR states that there will be no potential change in sunlight access at these locations and this conclusion is accepted with regard to the detailed results presented in EIAR Table 10.4. In addition, no impacts are identified at the Lymewood and Carrington open spaces. The cumulative impact assessment, as presented in EIAR Table 10.6, does not identify any significant additional impacts.

In conclusion and having regard to impacts to daylight and sunlight levels to surrounding properties and overshadowing of same, I am satisfied that the applicant's Daylight and Sunlight Access Impact Analysis has identified the majority of potential impacts, and I am satisfied that the majority of properties will experience impacts that are in line with BRE Targets as set out in the 3rd Edition of the BRE Guidelines (and as per the 2nd Edition). While some minor adverse impacts have been identified, the overall impact is, on balance, acceptable, having regard to the detailed discussion above. I am satisfied that impacts on surrounding amenity spaces will also be acceptable, having regard to the considerations above.

Having regard to all of the above, I do not consider that the level of daylight and sunlight impacts identified at existing adjacent residential properties, including Cedarview, which is generally assessed as 'Impreceptible', 'Slight' or 'Not Significant', warrants a refusal of permission on grounds of adverse impacts on daylight and sunlight. The impacts on adjoining amenity areas are within accepted parameters as per the BRE guidance. I accept that any development of this zoned and serviced site at a prime location would result in some overshadowing impacts. The assessed impacts are considered acceptable given the intervening distances, the highly accessible urban location of the development site, and the need to

balance potential impacts against national planning policy to achieve compact urban development and increased residential densities, particularly at sites served by public transport.

10.9.4. Impacts on Visual Amenities

Observers comment that the development will have adverse visual impacts at residential properties at Cedarview, particularly due to its bulk and scale and proximity to the shared site boundary. In addition to potential visual impacts on adjacent residential areas, the site is c. 200 m from Santry Park and the development will be visible from this location. The existing context of the site is primarily urban in nature, defined by the Swift Square office complex, the Sports Surgery clinic, the Lymewood and Carrington apartment developments at Northwood Avenue and the development of Blackwood Square and the Gullivers retail park and neighbourhood centre to the west and northwest, with the M50 beyond. There are no structures or features of historic importance such as protected structures or Conservation Areas in the vicinity and the site is not within any views or prospects that are designated in the development plan.

EIAR Chapter 14 and Appendix 14.1 provide a Landscape and Visual Impact Assessment (LVIA), which considers views from 6 no. viewpoints around the site. Based on the site inspection and on my knowledge of the area, I am satisfied that the viewpoints chosen are representative of views in the wider area and are sufficient for an assessment of the visual impacts of the development on the wider area. I note and agree with the comments of observers that the LVIA provides limited assessment of views from residential areas to the north of the site, giving only one viewpoint at this location. However, I consider that there is sufficient information on file, including detailed elevations, cross sections, layouts and landscaping details that, along with the site inspection, will permit a detailed assessment of potential visual impacts at this location.

With regard to the LVIA, I am satisfied that the development is compatible with the emerging mixed urban environment at Northwood Avenue, ref. VPs nos. 1, 2 and 5. The front building line will follow the road curvature and the proposed facades and materiality will present a high quality finish. The landscaping and public plaza at the

site frontage will enhance the urban realm. The EIAR assesses impacts at these views as moderate and I concur with this assessment.

Viewpoint no. 3 from Santry Demesne indicates that the development will not be visible from this location and the EIAR states that there will be no visual impact. I consider that the higher elements are likely to be visible from more distant viewpoints, including from within the park, however it will read as part of the existing urban context including the adjacent 6-8 storey apartment buildings on Northwood Avenue and the 5 story office blocks at Swift Square.

Viewpoint no. 4 from the central open space at Cedarview indicates that the development will significantly change the outlook at this location. The northern elevation of Block 5 will look towards the central open space. The EIAR assesses impacts at viewpoint no. 4 as moderate. I consider that the proposed visual impact at Cedarview is acceptable given that:

- Any development of this zoned and serviced site will result in a significant visual impact at Cedarview and a change in the outlook from this location.
- I accept that the upper floors of Block 5 have been set back from Cedarview to reduce its bulk in views from the north.
- The development will provide an enhanced public realm at Cedarview with landscaping at the northern site boundary, a play area adjacent to the Cedarview open space and new pedestrian and cycle connections between Cedarview and Northwood Avenue.

The development will not form a prominent element in views towards the development site from the north, ref. LVIA viewpoint no. 6 from Santry River walk. The EIAR assesses that there will be no visual impact from this viewpoint. I consider that, as is the case at Santry Demesne, the development is likely to be visible from some vantage points in the wider area to the north of the development site, however it will read as part of the existing/emerging built up area in this part of the city.

The LVIA includes two massing studies that indicate cumulative visual impacts associated with the proposed development and the development envisaged at the northern side of the Swift Square complex. The potential cumulative impacts are indicative only given that no application has yet been lodged for the adjacent site.

The EIAR assesses the cumulative impacts as not significant. I consider that cumulative impacts associated with any future development of the adjacent site can be considered on their merits with regard to detailed development proposals if or when any future planning application is lodged.

To conclude, therefore, I do not consider that the development would have any significant undue adverse impact on visual amenities such as would warrant a refusal of permission in this instance. I also note in this regard that the CE Report and the report of FCC Architects Department do not state any significant concerns in relation to adverse visual impacts.

10.9.5. Construction Impacts on Residential Amenities

There is potential for adverse impacts on residential amenities relating to dust, noise and construction traffic during the construction period. The EIAR addresses noise, dust and traffic impacts and an Outline Construction and Environmental Management Plan which address potential adverse impacts on residential amenities during construction, and a Construction and Demolition Waste Management plan are also submitted. A detailed Construction and Environmental Waste Management Plan may also be required by condition if permission is granted. The EIAR does not anticipate any significant adverse visual impacts during the construction phase of the development. This conclusion is accepted given that this stage will be temporary and with regard to the proposed construction management measures.

10.10. **Childcare and Social Infrastructure**

10.10.1. Observer submissions state concerns that the existing social infrastructure in the area is inadequate to cater for the rapid development of large numbers of residential units in recent years, and that this situation will be exacerbated by the proposed development. The issues of childcare and social infrastructure may be considered separately as follows, with regard to relevant documentation submitted by the applicant.

10.10.2. Childcare Provision

The Childcare Facilities Guidelines for Planning Authorities recommend a minimum provision of 20 childcare places per 75 no. dwellings. Section 4.7 of the Apartment Guidelines states that the threshold for the provision of childcare facilities in

apartment schemes should be established having regard to the scale and unit mix of the scheme, the existing geographical distribution of childcare facilities and the emerging demographic profile of the area. One bed or studio units should generally not be considered to contribute to a requirement for any childcare provision and, subject to location, this may also apply in part or whole to units with two or more bedrooms. The development includes 229 no. 2-bed units and 15 no. 3-bed units. This entails a maximum childcare requirement of c. 65 no. childcare places if all of the proposed two-bed units are taken into account. The proposed creche has a stated area of 398 sq.m. and will cater for c. 70-74 no. childcare places

The submitted Childcare Demand Analysis report provides demographic information on the surrounding area and details of existing childcare provision in the vicinity within 3 km. Data from the 2016 census indicates a 0-4 age cohort population of 2,776 no. children (6.2%) within the study area which is lower than both the State average (7.1%) and Fingal's average (8.4%). Analysis of the National Household Quarterly Survey as reported in July 2017, which provides detail on the types of childcare being used in the Dublin Region and based on the population of the study area between 0-4 years of 2,776, application of these findings would translate to a requirement for 694 no. (25%) childcare spaces. The report provides details of existing childcare facilities in the study area and notes that the Annual Early Years Sector Profile Report 2018/2019 published by the Department of Children, Equality, Disability, Integration and Youth reports that childcare services in Fingal had a vacancy rate of 5% pre-Covid. There is a total of c. 1,253 no. existing childcare places provided by 25 no. childcare providers within the study area. The report also notes that several childcare facilities have recently been permitted at nearby sites under Reg. Ref. F18A/0421 (54 no. childcare spaces), Reg. Ref. F19A/0401 and Reg. Ref. F19A/0419 (50 no. childcare places) and the Blackwood Square SHD ref. ABP-309416- 21 (62 no. childcare places). The analysis estimates that the population of the proposed development will generate a demand for c. 25 no. childcare spaces based on the above demographic information. It is submitted on this basis that the proposed childcare facility could for demand generated by the development and for demand generated for future development within adjoining sites.

I am satisfied that the proposed childcare provision exceeds the requirements of the Childcare Guidelines with regard to the quantum of childcare provision and the proposed childcare provision is considered satisfactory overall.

10.10.3. Social Infrastructure

The submitted Social Infrastructure Audit (SIA) examines the existing provision of social and community facilities in the categories of healthcare, sport and recreation, social and community services, places of faith and worship, education and training, childcare facilities and retail and hospitality services within 3km of the development site. The development site is located in an emerging mixed use urban area, within the ME zoned lands, and adjoins several established residential areas. There is a significant amount of facilities in all of the above categories within the 3km radius examined in the SIA and within the wider reach of the development site, given its accessibility to public transport services. I am satisfied on this basis that there are no significant deficiencies in social infrastructure such as would warrant a refusal of permission.

The submitted School Demand & Concentration Report sets out the demographic profile and the geographical distribution of primary and secondary level school facilities within 3 km of the development site. Demand for primary school places is calculated using a formula provided by the Department of Education. It is assessed that the development (excluding 1-bed units) will generate a demand for 81 no. additional primary school places, which translates to an average of 10 no. new school places per year based on an 8 year cycle. The analysis of CSO statistics on existing primary schools in the area indicates that an average of 276 no. primary school places should become available as each year group completes the school cycle in existing schools within the study area. It is assessed that the development (excluding 1-bed units) will generate a demand for 54 no. additional secondary school places, which translates to an average of 9 no. new school places required each year based on a 6 year cycle. Analysis of CSO statistics indicates that an average of 84 no. secondary school places should become available as each year group leaves existing schools in the study area. The assessment also notes that the average class size in the study area is currently below the national average and CSO / DES projections identify reduced demand for school places in the coming decades.

I am generally satisfied that there is adequate existing social and community infrastructure and education facilities within reach of the development site, noting its status as part of a Masterplan area zoned for residential and mixed use development.

10.11. Movement and Transport

10.11.1. Existing and Proposed Movement and Transport Infrastructure

The site is adjacent to the Ballymun M50 interchange and nearby to the east of the R108 Ballymun Road. It is directly accessed via Northwood Avenue. There is a footpath and a pedestrian crossing at Northwood Avenue in front of the site and development plan Map 11 indicates a pedestrian/cycle objective along Northwood Avenue, including the site frontage. There are currently several Dublin Bus routes in operation in the vicinity at the Swords Road, Ballymun Road and Santry Avenue, as detailed in the submitted Traffic and Transport Assessment (TTA). The nearest bus stops are c. 600m from the site at Ballymun Road. The TTA provides details of the frequency and capacity of existing bus routes in the area such that there is currently a total capacity of 4,140 passengers during the AM peak. The TTA anticipates that southbound buses travelling will generally have residual capacity as Northwood is one of the earlier stops on the routes travelling towards the city centre. While I note observer comments regarding inadequate public transport infrastructure, I am satisfied on this basis that the TTA demonstrates capacity for the development in existing public transport services.

The NTA lodged its application for the Ballymun/Finglas to city centre Core Bus Corridor Scheme under the Bus Connects programme to ABP on 9th September 2022, ref. HA29.314610. Sheet 01 of the submitted plans indicates works at the R108 Ballymun Road to the west of the site and at the R108/Northwood Avenue junction including bus lanes, bus stops, pedestrian and cycle facilities. The scheme indicates that priority for buses will be provided along the entire length of this section of the route with dedicated bus lanes and segregated cycle tracks in both directions. It is envisaged that the improved bus priority measures will reduce delays and improve the capacity of bus routes. In addition, TII lodged a railway order application for the proposed MetroLink rail connection between Charlemont, the city centre and Dublin Airport with ABP on 30th September 2022, ref. NA29N.314724. The MetroLink

route will run underground along the route of the R108 Ballymun road with the Northwood underground stop envisaged at the R108 c. 700m to the west of the development site. The development will therefore be served by a significantly enhanced public transport infrastructure when these projects come onstream in future years.

The development is to be accessed from Northwood Avenue via an existing junction and access route that currently serves the Sports Surgery Clinic, these are included within the red line site boundary as detailed elsewhere in this report. The submission of the Sports Surgery Clinic comments that there are some discrepancies between the proposed layout and the existing access as permitted under Reg. Ref.

F18A/0675, however these are relatively minor and I am satisfied that they can be clarified by condition, as suggested in the observer submission. The red line site boundary also includes the provision of a new pedestrian/cycle link to the local road to west of the site, which lies to the immediate south of the existing vehicular access to Cedarview, which will create two pedestrian/cycle links to Northwood Avenue as detailed above. The layout does not include any vehicular connection on the northern side of the site. I note the submitted DMURS Statement of Consistency and Stage 1 Road Safety Audit. I am satisfied overall that the development will result in improved pedestrian and cycle permeability in the area, with new connections between Northwood Avenue, Cedarview and beyond, which will provide connectivity to the Bus Connects corridor at Ballymun Road and to the location of the Northwood MetroLink stop, in accordance with related development plan objectives for the ME zoned lands. I also note that FCC Transportation Planning Section generally supports the development and states no objection subject to conditions. The proposed roads/pedestrian/cycle layout is considered satisfactory overall on this basis, subject to conditions, which may be imposed if permission is granted.

10.11.2. Car and Cycle Parking

Observers comment that the development does not provide an adequate quantum of car parking and state concerns that this will result in overspill parking at adjacent residential streets. It is submitted that there are already problems as a result of existing parking congestion at Cedarview.

The development provides a total of 272 no. car parking spaces for the apartments (c. 1.07 no. spaces per unit), plus 5 no. accessible spaces and a creche set down area with 3 no. spaces. The mobility management proposals also include 2 no. 'car share' spaces and 11 no. visitor/creche spaces at surface level, parallel to the access road on the eastern side of the site.

The TTA submits that the development has an 'intermediate' urban location with regard to car parking provision. This conclusion is accepted with regard to the current provision of public transport in the area and as discussed above in relation to residential density. Section 4.21 of the Apartment Guidelines states in relation to intermediate urban locations:

In suburban/urban locations served by public transport or close to town centres or employment areas and particularly for housing schemes with more than 45 dwellings per hectare net (18 per acre), planning authorities must consider a reduced overall car parking standard and apply an appropriate maximum car parking standard.

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

Unit Type	No. of Units	Development Plan Standard	Requirement
1-bed apt	11	1 per unit + 1 visitor space per 5 units	13
2-bed apt	229	1.5 per unit + 1 visitor space per 5 units	389
3-bed apt	15	2 per unit + 1 visitor space per 5 units	33
Total			435

The Material Contravention Statement addresses the matter of car parking.

Development plan section 12.10 states in relation to car parking standards:

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

I consider with regard to this statement that the development plan allows for some flexibility in the application of car parking standards and I therefore do not consider that the development materially contravenes the development plan in this respect, notwithstanding the shortfall between the proposed car parking provision and the above development plan standards. The report on file of FCC Transportation Planning Section states:

The parking demand in terms of what the Transportation Planning Section consider to be the minimum practical parking provision is 270 spaces. The applicant has provision for 277 residential parking spaces at basement level for the proposed development. This is 158 spaces below the Development Plan standards and 7 spaces above the practical minimums.

I generally consider the proposed car parking quantum to be acceptable in the context of the performance related approach stated in the Apartment Guidelines, noting the submitted mobility management proposals, which include a car parking management strategy, and with regard to the current public transport capacity in the area. While I note the concerns of local residents regarding on street parking congestion in adjacent streets, the matter of parking control outside the development site is beyond the scope of this assessment. I note that FCC Transportation Planning recommends conditions regarding the detailed design and layout of the basement car park, these may be imposed if permission is granted.

The development provides a total of 600 no. cycle parking spaces with an additional 128 no. visitor cycle spaces at surface level. Section 4.16 of the Apartment Guidelines recommends a general minimum standard of 1 cycle storage space per bedroom and a visitor cycle parking provision of 1 space per 2 residential units. This entails a total provision of 514 no. residential cycle parking spaces and 128 no. visitor cycle spaces, which is met by the development. Development plan cycle parking standards require a lower standard of 1 space per bedroom and 1 space per 5 residential units, which is also met by the development. The proposed cycle parking provision is considered satisfactory on this basis, noting that design details may be agreed by condition.

10.11.3. Traffic Assessment

The TTA is based on historic traffic surveys carried out at 7 no. junctions in the area on Tuesday 12th February 2019, pre Covid-19 restrictions. While I note observer concerns about the use of historic traffic data, the TTA states that the 2019 survey results have been factored up to 2021 figures in accordance with Table 5.3.2 of the TII Project Appraisal Guidelines. This is acceptable. Detailed modelling was carried out for the Ballymun Road R108/Northwood Avenue, Santry Avenue/Northwood Road and Northwood Avenue/Swords Road R138 junctions for a base year of 2021. The modelling results indicate that both Ballymun Road R108/Northwood Avenue and Northwood Avenue/Swords Road R138 junctions currently operate just over the normal design threshold during the morning and evening peak hours considered. The Santry Avenue/Northwood Road junction currently operates below the design threshold.

The Trip Generation Assessment is based on an assumption that all trips will be generated from outside the development, notwithstanding that the creche is likely to be used by residents of the scheme, as a worst case scenario. The TTA sets out the following findings for the analysis carried out for an opening year of 2024 and a design year of 2039 (based on TII Project Appraisal Guidelines and excluding proposed Bus Connects and MetroLink):

- The Ballymun Road R108/Northwood Avenue junction will operate above capacity with and without the development in 2024 and 2039.
- The Santry Avenue/Northwood Road junction will operate within capacity for the AM peak and beyond capacity for the PM peak with and without the development in 2024. It will operate above capacity with and without the development in 2039.
- The Northwood Avenue/Swords Road R136 junction will operate above capacity with and without the development in 2024 and 2039.

The analysis for all of the junctions indicates a marginal difference between the 'with' and 'without' development scenarios. Section 6.4 of the TTA concludes that the junctions analysed will not operate efficiently in the future either with or without the development. I note that there are proposals to upgrade the Ballymun Road R108 / Northwood Avenue junction with SCATS, as well as further upgrades as part of Bus Connects. Traffic patterns are likely to change significantly at this location on foot of

Bus Connects and MetroLink proposals. The TTA does not identify any significant adverse adverse traffic impacts. This conclusion is accepted given the proposed limited car parking provision and noting also that FCC Transportation Planning Section and the submission of TII state no objection on traffic grounds.

10.11.4. Construction Traffic

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

10.12. **Drainage, Flooding and Site Services**

10.12.1. The development will connect to the existing surface water infrastructure in the area. The submitted Water Services Report provides details of the existing surface water network and of the proposed surface water drainage design including SuDS measures such as green roofs and bioretention areas. The report of FCC Water Services Department states no objection subject to conditions.

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

10.12.3. The development will connect to the existing foul sewerage network and public watermain. The Water Services Report provides details of projected water demand and foul outflows from the development and new watermains and foul network design. The submission on file from Irish Water, dated 11th May 2022, recommends conditions. No significant infrastructural or capacity issues are

identified. The proposed water supply and foul drainage arrangements are considered satisfactory on this basis.

10.13. External Noise Issues

10.13.1. There are potential inward noise impacts on residential development at the site due to aircraft noise associated with proximity to Dublin Airport and to noise associated. The development site is located within Noise Zone C as identified in development plan Variation No. 1, where there is a stated objective to manage noise sensitive development in areas where aircraft noise may give rise to annoyance and sleep disturbance, and to ensure noise insulation is incorporated within the development.

10.13.2. EIAR Chapter 12 includes an Inward Noise Assessment with regard to the Dublin Noise Agglomeration Plan 2019-2023 and development plan policy on aircraft noise as per Variation No. 1. The assessment is based on noise surveys carried out at several locations in the vicinity of the development. The survey results indicate that local traffic, traffic on the M50 and aircraft/airport noise, contribute to the noise levels at the measurement locations across the site. Noise monitoring completed on the site during daytime periods indicates noise levels in the order of 57 – 58 dB $L_{Aeq,15min}$ and 54 – 55 dB $L_{A90,15min}$ at the frontage to Northwood Avenue (location A) and in the order of 55 – 59 dB $L_{Aeq,15min}$ and 53 – 56 dB $L_{A90,15min}$ at the northern site boundary to Cedarview (location B). Night time noise levels are in the order of 50 – 56 dB $L_{Aeq,15min}$ and 47 – 50 dB $L_{A90,15min}$ at Northwood Avenue and in the order of 50 – 51 dB $L_{Aeq,15min}$ and 46 – 49 dB $L_{A90,15min}$ at the boundary to Cedarview. The assessment of future noise levels takes into account noise maps produced by FCC and the DAA as part of the noise mapping requirements under the European Noise Directive (END) and EPA strategic noise mapping data for Dublin Airport, as well as the noise zone contour produced by FCC for the future operation of Dublin Airport including the North Runway. The assessment also notes the following worst case noise levels incident to dwellings and external amenity areas provided for Noise Zone C in development plan Variation no. 1:

- Daytime: 63 dB $L_{Aeq,16hr}$.
- Night-time: 55 dB L_{night}

10.13.3. This is used as the basis for a Noise Risk Assessment, which considers potential noise levels with regard to the Professional Practice Guidance on Planning & Noise (ProPG) document published in May 2017 by a working group comprising members of the Association of Noise Consultants (ANC), the Institute of Acoustics (IOA) and the Chartered Institute of Environmental Health (CIEH), which is generally considered as a best practice guidance and has been widely adopted in the absence of equivalent Irish guidance. Based on the above, the Noise Risk Assessment concludes that the development site may be characterised as 'medium risk' with regard to the guidance provided in the ProPG document. ProPG states the following with respect to medium risk:

Medium Risk As noise levels increase, the site is likely to be less suitable from a noise perspective and any subsequent application may be refused unless a good acoustic design process is followed and is demonstrated in an ADS which confirms how the adverse impacts of noise will be mitigated and minimised, and which clearly demonstrate that a significant adverse noise impact will be avoided in the finished development.

10.13.4. The EIAR includes an Acoustic Design Strategy (ADS) with regard to ProPG guidance, which provides proposed acoustic design details including construction masonry, glazing and acoustic ventilation, which will be used to achieve an internal acoustic environment that meets internal target noise levels as per ProPG and the British Standard BS EN 12354-3: 2000: Building acoustics – Estimation of acoustic performance of buildings from the performance of elements – Part 3: Airborne sound insulation against outdoor sound.

10.13.5. Daytime external noise levels across the site during the daytime, with the North Runway in operation, are expected fall in the region of 65 dB LAeq,16hr. It is noted that whilst external amenity areas would be above the desirable level of 55 dB LAeq,16hr it is not possible to reduce the noise level across external spaces due to aircraft noise being the dominant noise source.

10.13.6. This assessment is considered acceptable subject to a condition requiring that all recommended noise attenuation measures be implemented in full. I note in this regard that the CE report states no objection in relation to noise issues.

10.14. Material Contravention

10.14.1. The applicant's Material Contravention Statement refers to six separate grounds of material contravention, namely (i) unit mix; (ii) car parking; (iii) public open space; (iv) play facilities; (v) separation distances and (vi) protection of trees with regard to policies and objectives of the Fingal County Development Plan 2017-2023. While I have addressed these matters separately in the relevant sections above, I shall also address the issue of material contravention here in the interests of clarity and with regard to the relevant legal provisions. The extent to which the development materially contravenes the development plan in relation to each of these matters may be considered separately as follows. Having regard to the above planning assessment, I am satisfied that there is no potential material contravention in relation to any other matters and I note in this regard that neither the planning authority nor any observer submissions raise any other potential material contravention issues.

10.14.2. Unit Mix Material Contravention

While I note that the Material Contravention Statement addresses the matter of housing mix, having regard to the above assessment, I do not consider that the development materially contravenes the development plan in this respect. However, given that it is addressed in the Material Contravention Statement, it is open to the Board to invoke section 37(2)(b) of the of the Planning and Development Act 2000 in relation to unit mix.

10.14.3. Car Parking Material Contravention

While I note that the Material Contravention Statement addresses the matter of car parking, having regard to the above assessment, I do not consider that the development materially contravenes the development plan in this respect. However, given that it is addressed in the Material Contravention Statement, it is open to the Board to invoke section 37(2)(b) of the of the Planning and Development Act 2000 in relation to car parking.

10.14.4. Play Facilities Material Contravention

The area of the proposed play facilities does not meet the quantitative requirements stated in development plan Objective DMS75 and is therefore considered to

represent a material contravention of the development plan in this respect. Given that the matter is addressed in the Material Contravention Statement, it is open to the Board to invoke section 37(2)(b) of the of the Planning and Development Act 2000 in relation to the provision of play facilities. Relevant legal provisions are considered below.

10.14.5. Separation Distances Material Contravention

While I note that the Material Contravention Statement addresses the matter of separation distances, having regard to the above assessment, I do not consider that the development materially contravenes the development plan in this respect. However, given that it is addressed in the Material Contravention Statement, it is open to the Board to invoke section 37(2)(b) of the of the Planning and Development Act 2000 in relation to separation distances.

10.14.6. Tree Protection Material Contravention

While I note that the Material Contravention Statement addresses the matter of tree protection, having regard to the above assessment, I do not consider that the development materially contravenes the development plan in this respect. However, given that it is addressed in the Material Contravention Statement, it is open to the Board to invoke section 37(2)(b) of the of the Planning and Development Act 2000 in relation to tree protection.

10.14.7. Legal Provisions

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

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

The proposed development is considered to be of strategic and national importance having regard to the definition of 'strategic housing development' pursuant to section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016

(as amended) and its potential to contribute to the achievement of the Government's policy to increase delivery of housing from its current under supply set out in Rebuilding Ireland – Action Plan for Housing and Homelessness issued in July 2016, noting in particular the location of the development site on lands with the zoning objective ME Metro Economic, where there is an objective to facilitate opportunities for high-density mixed-use development generating activity and commercial development, and to support the provision of an appropriate quantum of residential development within the Metro Economic Corridor.

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

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

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

10.15. Planning Assessment Conclusion

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

11.0 Environmental Impact Assessment

11.1. Statutory Provisions

11.1.1. The application was accompanied by an Environmental Impact Assessment Report (EIAR). Item 10 (b) of Part 2 of Schedule 5 of the Planning Regulations 2001 (as amended) provides that an EIA is required for infrastructure projects comprising of either:

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

The development would provide 255 no. dwellings on a site of c. 1.5 ha on zoned lands in a built up urban area. The total of 255 no. units is below the 500 unit threshold and the site area of 1.5 ha is below the above area thresholds. The development therefore does not come within the scope of these mandatory thresholds. However, item 13 (a) (ii) of Part 2 of Schedule 5 applies:

Any change or extension of development already authorised, executed or in the process of being executed(not being a change or extension referred to in Part 1) which would:

result in an increase in size greater than

- *25 per cent, or*
- *an amount equal to 50 per cent of the appropriate threshold, whichever is the greater*

EIAR section 1.2 sets out that the development is adjacent to a recently constructed residential development of 374 no. units on a 7 ha site, as permitted under Reg. Ref. F15A/0440 and modified by Reg. Refs. F16A/0572, F17A/0371 and F18A/0205 resulting in the overall provision of 355 no. residential units on lands in the control of the current applicant. In addition, 329 no. units were permitted at Blackwood Square under SHD ref. ABP-306075-19, adjacent to the west of the development site, also on lands under the control of the applicant. The terms of the conditions of ABP-306075-19 were altered in April 2021 under ref. ABP-309416-21 resulting in an increase to 330 no. units. The combined developments would cumulatively exceed the 500 unit threshold and I therefore consider that an EIA is required with regard to the above legal provisions.

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

- Volume I of the EIAR comprises the Non-Technical Summary
- Volume II comprises the Written Statement

- Volume III includes the Appendices to the EIAR
- Chapter 4 of the Written Statement provides a consideration of alternatives
- Chapter 18 of the Written Statement considers interactions and cumulative impacts

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

- population and human health;
- biodiversity, with particular attention to species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC;
- land, soil, water, air and climate;
- material assets, cultural heritage and the landscape; and
- the interaction between those factors

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

11.1.5. EIAR section 1.5 addresses scoping and EIAR sections 5.7 and 18.1 address cumulative impacts and indicate that potential cumulative impacts associated with following permitted developments are considered in the EIAR:

- ABP-306075-19 permission for 329 no. units at Blackwood Square
- ABP-309416-21 permission for alteration to ABP-306075-19 resulting in an increase to a total of 330 no. units.
- Reg. Ref. F19A/0401 permission for Phase 1 of a mixed residential and commercial scheme at Northwood Crescent including 99 no. apartments and c. 3,030 sq.m. of office floorspace. Permission granted for Phase 2 of Northwood Crescent under Reg. Ref. F19A/0419 to include 78 no. apartment units.
- Reg. Ref. F18A/0421 permission for 99 no. apartments on lands c. 180 m to the southwest of the development site, south of Northwood Avenue. Permission

granted for Phase 2 of this development under Reg. Ref. F18A/0438 to include 99 no. apartments and a 4 storey office building (c. 2,536 sq.m).

- The applicant also proposes to lodge an application for c. 195 no. units at the adjoining site to the west, referred to as Swift Square Apartments. This development is currently at initial design stage.

11.1.6. This section on Environmental Impact Assessment should be read in conjunction with the above planning assessment, noting that this section refers to certain parts of the EIAR, which are summarised elsewhere in this report, in the interests of brevity and the avoidance of repetition.

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

11.2.1. The requirements of Article 3(2) of the Directive include the expected effect deriving from the vulnerability of the project to risks of major accidents and/or disaster that are relevant to the project concerned. EIAR section 17.3.6 addresses Risk of Major Accidents and Disasters. The development site is not regulated or connected to or close to any site regulated under the Control of Major Accident Hazards Involving Dangerous Substances Regulations i.e. SEVESO and so there is no potential for impacts from this source. The site is also outside the Dublin Airport Outer Public Safety Zone. There are no significant sources of pollution in the development with the potential to cause environmental or health effects. EIAR Chapter 8 and the submitted SSFRA address the issue of flooding and the site is not in an area at risk of flooding. Having regard to the location of the site and the existing land use as well as the zoning of the site, I am satisfied that there are unlikely to be any effects deriving from major accidents and or disasters.

11.3. **Alternatives**

11.3.1. Article 5(1)(d) of the 2014 EIA Directive requires a description of the reasonable alternatives studied by the developer, which are relevant to the project and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the project on the environment. EIAR Chapter 4 deals with alternatives and sets out a rationale for the development. Having regard to the fact that the zoning of the development site expressly provides for residential development, it was not considered necessary to consider alternative locations in detail. A number of site layout and alternative designs were considered during the

iterative design process in consultation with the planning authority and ABP. The development as now proposed is considered to have arrived at an optimal solution in respect of making efficient use of zoned, serviceable lands whilst also addressing the potential impacts on the environment relating to residential, visual, natural and environmental amenities and infrastructure. The description of the consideration of alternatives in the EIAR is reasonable and coherent, and the requirements of the directive in this regard have been satisfactorily addressed.

11.4. Assessment of the Likely Significant Direct and Indirect Effects

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

11.4.2. Population and Human Health

EIAR Chapter 17 addresses Population and Human Health. The Board is also referred to the above assessment of childcare provision and social infrastructure, which details the submitted Childcare Demand Analysis, Social Infrastructure Audit (SIA) and School Demand & Concentration Report, which also considers observer comments in relation to these issues.

The development site is located within the Airport Electoral District (ED). Data from the 2016 Census indicates that the rate of population increase between 2011 and 2016 from 4,032 to 5,018 (24.5%) within the Airport ED is significantly above that of the general rate of increase for County Fingal and the national average and is reflective of development which has taken place within the immediate area of the development site. The average population density of the Airport ED is significantly higher than the national average and somewhat lower than that for Fingal, noting that a large part of the Airport ED has little or no residential population as it is within the Dublin Airport campus. There is very significant employment within the Airport ED including commercial employment immediately adjacent to the site at Swift Square, Gulliver's Retail Park, the Sport Surgery Clinic and the large proximate employment centre at Dublin Airport. The Airport ED is classified as 'affluent' in the Pobal Deprivation Index. Details of local services, amenities, childcare and education facilities are provided, as analysed in the Childcare Demand Analysis, SIA and School Demand & Concentration Report.

EIAR Table 17.12 sets out healthcare services within 3 km of the development site. The receiving environment for human health in the context of biophysical factors such as air, noise and water, as relevant, are outlined in EIAR Chapter 7 Land, Soils and Hydrogeology, Chapter 8 Water and Hydrology, Chapter 9 Air Quality and Climate, Chapter 12 Noise and Vibration and Chapter 15 Material Assets: Traffic and Transport, as discussed below.

There are significant short term, positive effects on population and health during the construction phase of the development, associated with the generation of c. 60 or more jobs during peak activities, as well as off-site employment and economic activity. The completed development will have positive impacts associated with population increase of not more than 638 no. people (based on an average household size of 2.5 as advocated by the NPF), as well as employment generated by the proposed childcare facility, concierge and maintenance/operations. The development will also provide a childcare facility to serve the local area, landscaped public spaces, play facilities and enhanced pedestrian links to the Santry River Amenity Walk and the planned Northwood Metro Station. No significant impacts on human health are predicted at the operational stage of the development.

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

11.4.3. Noise and Vibration

EIAR Chapter 12 considers noise and vibration. The Board is referred to the above assessment of airport noise impacts at the proposed development, which summarises the EIAR findings and considers relevant issues raised in observer submissions. No significant impacts are predicted, including cumulative impacts, with regard to the inward noise assessment and the Acoustic Design Strategy.

The EIAR assessment of construction noise and vibration impacts refers to the documents 'BS 5228 2009+A1 2014 Code of practice for noise and vibration control on construction and open sites', which provides guidance on permissible noise levels

relative to the existing noise environment and 'BS 5228-2:2009+A1:2014 Code of practice for noise and vibration control on construction and open sites – Vibration'. The EIAR assessment of construction noise and vibration impacts is based on baseline noise monitoring carried out at two locations at the development site on the site of the 1st to 2nd December 2021 and the day of 2nd December 2021. EIAR Table 12.10 sets out predicted indicative construction noise levels at the nearest Noise Sensitive Locations (NSLs). There is potential for the residential significance threshold to be exceeded at distances of up to 30 m but no significant impacts are predicated at distances > 45m. EIAR section 12.5 sets out proposed construction noise mitigation measures. Potential construction noise impacts associated with plant use and construction traffic are to be below proposed noise threshold levels with reference to BS 5228 2009+A1 2014 and the TII publication 'Guidelines for the Treatment of Noise and Vibration in National Road Schemes'. Construction works will be carried out in accordance with best practice control measures for noise and vibration from construction sites as per BS 5228 2009 +A1 2014.

No significant construction noise impacts are predicted at adjacent commercial properties.

There is potential for cumulative noise impacts associated with construction at adjacent permitted developments. Liaison between construction sites is recommended.

The predicted vibration levels during construction, including piling and excavation, are expected to be below the vibration threshold for building damage based on experience from other sites and with regard to British Standard BS5228-2: 2009 + A1: 2014: Code of practice for noise and vibration control on construction and open sites – Vibration. Vibration levels at the nearest buildings are not expected to pose any significance in terms of cosmetic or structural damage. In addition, the range of vibration levels is typically below a level which would be likely to cause disturbance to occupants of nearby buildings.

There are no significant predicted noise or vibration impacts associated with the completed development, including consideration of noise impacts associated with additional traffic on surrounding roads.

I note observer concerns about noise impacts during construction. While there is potential for significant noise impacts during construction at nearby NSLs, these impacts are short term, will be reduced by the implementation of proposed mitigation measures, and would be the case for any development of these zoned and serviced lands. I am satisfied overall that impacts predicted to arise in relation to noise and vibration would be avoided managed and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect, or cumulative impacts in terms of noise and vibration.

11.4.4. Biodiversity, with particular attention to species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC

The EIAR assessment of biodiversity impacts as set out in EIAR Chapter 6 is based on mammal and habitat surveys of the site carried out on 8th April 2021, breeding bird surveys carried out on 9th May, 25th May and 9th June 2021 and bat surveys carried out on 19th May (dusk) and 9th June (dawn) 2021.

There are no nationally designated sites within the development site. The closest nationally designated site is Santry Demesne pNHA, c. 180 m north of the development site. There is no direct surface water hydrological link between the development site and the pNHA.

The habitats survey of the development site did not find any species listed under the Flora (Protection) Order 2015 or any non-native invasive species listed in the Third Schedule of the European Communities (Birds and Natural Habitats) Regulations 2011 (as amended). No Annex I habitats were recorded at the site. The habitats recorded at the site comprised flower beds and borders (BC4); buildings and artificial surfaces (BL3); exposed sand, gravel and till (ED1); spoil and bare ground (ED2); recolonising bare ground (ED3); amenity grassland (improved) (GA2); dry meadows and grassy verges (GS2); hedgerows (WL1); treelines (WL2); scrub (WS1); and ornamental/non-native shrub (WS3). All are deemed to be of local importance (Lower Value) except for:

- Hedgerows close to the frontage to Northwood Avenue, which are deemed as local importance (higher value)

- The treeline in the southwestern part of the site is deemed as being of county importance due to the presence of two trees subject to TPOs and their importance in maintaining ecological links with the Santry Demesne pNHA to the north and Santry Park to the south of the development site

The mammal survey of the site did not find any evidence of species protected under the Wildlife Acts including badger, otter, Irish stoat or hedgehog, or any species listed on Annex II and Annex IV of the EU Habitats Directive.

Most of the birds recorded were passerine species, for which there is suitable breeding habitat present at the site. The site is within normal foraging range of SCI species North Bull Island SPA and South Dublin and River Tolka Estuary SPA. Inland habitats used by winter birds species such as light-bellied brent goose and curlew were recorded within the site in the form of amenity grassland, rank grassland, and recolonising bare ground. Light-bellied brent geese typically use inland sites comprised of amenity grasslands such as sport grounds. Light-bellied brent geese have been recorded at nearby sites such as Kilmore/Oscar Traynor Football Pitches and Darndale/Belcamp Park both c. 2 km east of the development site. Inland sites used by curlew include rough wet grassland, and some arable lands without tree cover. While amenity grassland was identified within the development site, it is enclosed by treelines, hedgerows, buildings and artificial surfaces, with trees interspersed. The presence of dense vegetation and tree cover within and around the development site renders it suboptimal for wintering birds as it provides cover for their predators. Wintering wetland bird species are therefore likely to avoid the site for forage. In addition, the development site is highly disturbed by human activity. For these reasons, the development and adjacent habitats are not considered suitable for wintering wetland birds and no winter bird specific surveys were undertaken within the development site.

The proposed removal of trees and hedgerows at the site will result in habitat fragmentation and reduce its suitability to support fauna and breeding birds. Proposed mitigation measures include the protection of the trees to be retained during construction and proposed landscaping and planting at the completed development including native and pollinator friendly species, also the installation of bird boxes. The proposed outline Construction and Environmental Management Plan

(CEMP) includes measures to protect breeding birds such as avoiding removal of trees and hedgerows during the nesting season.

The bat surveys recorded 3 no. species at the development site comprising soprano pipistrelle, Leisler's bat and an undescribed Myotis species. Activity was largely focused on the hedgerows and treelines at the site, notwithstanding that these are considered to be of low suitability for commuting and foraging bats due to fragmented connectivity between hedgerows and treelines within the site and the surrounding area. The trees at the site are assessed as having low suitability to serve as temporary roosts for foraging bats and the site overall is assessed as having local importance (higher value) for bats. One tree to be removed is identified as a potential bat roost. The loss of hedgerow, treelines and scrub connectivity will result in the loss of potential commuting, roosting and foraging habitat for bats. Examination of aerial orthophotography indicates that there are extensive areas of hedgerow, treeline, riparian, and woodland habitat present with the 2-3 km radius Core Sustainance Zone (CSZ) for the bat species recorded at the site, including the River Santry, Santry pNHA, Santry Park and Silloge Golf Club. No significant impacts on bats relating to artificial lighting are identified with regard to the suburban character of the surrounding area, noting that the majority of bat species recorded at the site are commonly recorded in urban environments and bats present in the vicinity of the development are likely to be habituated to artificial lighting to some degree. Proposed bat mitigation measures include inspection of potential bat roosts prior to removal, the preparation of a bat mitigation strategy and the installation of bat boxes at the completed development.

No significant residual or cumulative impacts on biodiversity are identified.

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

11.4.5. Land, Soil, Water

EIAR Chapter 7 addresses land, soils and hydrogeology and EIAR Chapter 8 addresses water and hydrology.

GSI mapping indicates that the site is underlain by limestone tills, which are poorly drained in the western part of the site. Site investigations in carried out in 2021, as detailed in EIAR Appendix 7.1, confirmed that the site is underlain by Dublin Boulder Clay and found no evidence of soil contamination or illegal dumping. There are no karst features within 5 km of the site. GSI mapping indicates that the site is underlain by the Lucan Formation, classified as "Li" (locally important aquifer moderately productive only in local zones). The underlying Groundwater Body (GWB) is the Dublin Groundwater Body, which is described as a poorly productive bedrock aquifer. No groundwater flows were noted during the site investigations.

The site is located within the upper catchment of the Santry River, which discharges to Dublin Bay at North Bull Island. As per the submitted SSFRA, the site is located in Flood Zone C with regard to OPW flood mapping and hence is at low risk of flooding. The development includes a surface water management system that incorporates SUDS measures including green roofs and hydrocarbon interceptors. Runoff from the development will not exceed greenfield runoff rates. Consequently, there will be no increase in risk of flooding in the receiving waters.

The development will involve the excavation of subsoils to a depth of c. 4 m. The excavation will be in boulder clay with no rock excavation or dewatering required. There will be no excavation of contaminated soil. The removal and management of waste and soils at the site will be carried out in accordance with relevant legislation and guidelines. Potential impacts during construction will be managed as outlined in the CEMP and the Outline Construction and Demolition Waste Management Plan, including management of the leakage or spillage of construction related materials on site and surface water management measures. The development will result in the loss of c. 1.5 ha of recharge to the aquifer, which is not deemed significant given the limited scale and that the site is underlain by low permeability overburden which will severely restrict recharge in any case.

No significant residual or cumulative impacts on land, soil and water are identified.

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

11.4.6. Air and Climate

EIAR Chapter 10 addresses Microclimate (Sunlight/Daylight) and Chapter 11 addresses Microclimate Wind. The Board is referred to the above assessment in respect of the design and layout of the proposed development and potential impacts on residential amenities, which summarises the EIAR findings on these matters and considers relevant issues raised in observer submissions. No significant impacts are predicted, including cumulative impacts.

EIAR Chapter 9 addresses Air Quality and Climate. The occupation of the development would not be likely to have a significant effect on climate or air quality. The construction phase could affect air quality at nearby sensitive receptors through the emission of dust. However, any such effects can be properly limited through the proposed dust mitigation measures set out in EIAR Section 9.4 and the Dust Minimisation Plan in Appendix 9.2, also the proposed CEMP and the Outline Construction and Demolition Waste Management Plan. No significant residual impacts are predicted.

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

11.4.7. Material Assets, Cultural Heritage, The Landscape

EIAR Chapter 14 addresses Landscape and Visual impacts and Chapter 15 addresses Material Assets: Traffic and Transport. The Board is referred to the above assessment in respect of potential impacts on visual amenities and the assessment of movement and transport issues which summarise the EIAR findings and consider

relevant issues raised in observer submissions. No significant impacts are predicted, including cumulative impacts.

EIAR Chapter 13 considers Cultural Heritage. The Ordinance Survey (OS) map of 1837 indicates the development site to the northeast of a forested area 'Black Wood' and as part of a much larger agricultural field named 'Lough Langan'. The lands were largely in agricultural use in the 1910 OS map and incorporated a pathway from the east which led through the Black Wood to the west. They remained in agricultural use until recent years when much of the development site was used as a construction compound and topsoil storage area associated with adjacent developments, at which time extensive ground disturbance works were undertaken. There are no previously identified archaeological monuments or features at or in the vicinity of the development site and no features of archaeological potential are identified. It is considered that the development of the site will not cause any direct impacts to any previously recorded archaeological monuments or features and, given the previous extent of topsoil stripping and ground disturbance works within the site, it is considered that there is very low potential for the discovery of subsurface features. There are no protected structures or structures listed in the National Inventory of Architectural Heritage at or in the vicinity of the development site and no significant impacts on architectural heritage are predicted. No significant cumulative or residual impacts on cultural heritage are predicted. I note that the report on file of FCC Heritage Officer/Community Archaeologist concurs with this conclusion.

EIAR Chapter 16 addresses Material Assets: Built Services with regard to impacts on the material assets of water supply, wastewater services, electrical supply, gas supply and telecoms in the vicinity. No significant impacts are predicted, including cumulative impacts.

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

11.5. Cumulative Impacts and Interactions

11.5.1. I have addressed the cumulative impacts in relation to each of the environmental factors above, noting that these are considered in the individual EIAR chapters. EIAR Chapter 18 presents a summary of cumulative impacts and interactions and I consider that the EIAR presents a comprehensive consideration of the relevant developments within the wider area where there is potential for cumulative impacts with the proposed development.

11.6. Reasoned Conclusion on the Significant Effects

11.6.1. Having regard to the examination of environmental information set out above, including the EIAR and other information provided by the developer, and to the submissions from the planning authority, prescribed bodies and public in the course of the application, it is considered that the main significant direct and indirect effects of the proposed development on the environment are as follows:

- Significant positive impacts on population and human health due to the increase in housing stock within the Santry area. Potential impacts on human health during construction will be mitigated by the measures set out in the proposed Construction and Environmental Management Plan CEMP and the Outline Construction and Demolition Waste Management Plan. No adverse impacts on demographics or employment are identified. I am satisfied that, after the proposed mitigation measures, there are no likely significant residual adverse impacts on population or human health for the construction or operational phases of the development.
- Biodiversity impacts, which will be mitigated by construction management measures including dust management, noise management and waste management; measures to protect surface water quality during construction and operation including SuDS measures; landscaping proposals which will provide new habitats and ecological enhancement measures including bird boxes and bat boxes. I am satisfied that, after the proposed mitigation measures, there are no likely significant residual adverse impacts on biodiversity for the construction or operational phases of the development.
- Land and Soils impacts, which will be mitigated by the measures set out in the Outline Construction and Environmental Management Plan and the proposed

Construction and Demolition Waste Management Plan including control of soil excavation/infill and export from site; fuel and chemical handling, transport and storage and control of water during construction, also by the proposed surface water management measures that are part of the completed development. I am satisfied that, after the proposed mitigation measures, there are no likely significant residual adverse impacts on land, soils and geology for the construction or operational phases of the development.

- Water impacts, which will be mitigated by construction management measures as per the Outline Construction Environmental Management Plan; SuDS measures, surface water management and monitoring. I am satisfied that, after the proposed mitigation measures, there are no likely significant residual adverse impacts on water for the construction or operational phases of the development.
- The proposed development is not likely to have significant adverse effects on human health, air and climate, material assets, cultural heritage or the landscape.

11.6.2. Having regard to the above, the likely significant environmental effects arising as a consequence of the proposed development have been satisfactorily identified, described, and assessed. The environmental impacts identified are not significant and would not require or justify refusing permission for the proposed development or require substantial amendments.

12.0 Appropriate Assessment

12.1. AA Introduction

12.1.1. This assessment has had regard to the submitted AA document, prepared by Scott Cawley Doherty Environmental, dated 14th March 2022. I have had regard to the contents of same. The report concludes that the possibility of any significant effects on any European Sites arising from the proposed development are not likely to arise, whether considered on its own, or in combination with the effects of other plans or projects. This assessment is informed by the other environmental reports on file, including the Engineering Services Report and the EIAR, in particular Chapter 6 Biodiversity, Chapter 7 Land, Soils and Hydrogeology and Chapter 8 Water and Hydrology. I am satisfied that adequate information is provided in respect of the

baseline conditions, potential impacts are clearly identified, and sound scientific information and knowledge was used.

12.2. The Project and Its Characteristics

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

12.3. The Development Site and Receiving Environment

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

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

12.4. Stage I Appropriate Assessment

12.4.1. In determining the zone of influence, I have had regard to the nature and scale of the project, the distance from the development site to the European Sites, and any potential pathways which may exist from the development site to a European Site.

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

Designated Site (Site Code)	Distance to Development	Qualifying Interests/ Conservation Objectives
Special Areas of Conservation		
Baldoye Bay SAC (000199)	c. 7.4 km	<p>The conservation objectives for the SAC relate to the maintenance of a favourable conservation condition of the following Annex I habitats, as defined by specific attributes and targets:</p> <p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>) [1330]</p> <p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p>
Malahide Estuary SAC (000205)	c. 7.46	<p>The conservation objectives for the SAC relate to the maintenance of a favourable conservation condition of the following Annex I habitats, as defined by specific attributes and targets:</p> <p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>) [1330]</p> <p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p> <p>Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120]</p> <p>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p>
North Dublin Bay SAC (000206)	c. 6.76 km	<p>The conservation objectives for the SAC relate to the maintenance of a favourable conservation condition of the following Annex I habitats and</p>

		<p>Annex II species, as defined by specific attributes and targets:</p> <p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Annual vegetation of drift lines [1210]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>) [1330]</p> <p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p> <p>Embryonic shifting dunes [2110]</p> <p>Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120]</p> <p>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p> <p>Humid dune slacks [2190]</p> <p><i>Petalophyllum ralfsii</i> (Petalwort) [1395]</p>
Rockabill to Dalkey Island SAC (003000)	c. 11.7 km	<p>The conservation objectives for the SAC relate to the maintenance of a favourable conservation condition of the following Annex I habitat and Annex II species, as defined by specific attributes and targets:</p> <p>Reefs [1170]</p> <p><i>Phocoena</i> (Harbour Porpoise) [1351]</p>
Ireland's Eye SAC (002193)	c. 12.2 km	<p>The conservation objectives for the SAC relate to the maintenance of a favourable conservation condition of the following Annex I habitats, as defined by specific attributes and targets:</p> <p>Perennial vegetation of stony banks [1220]</p> <p>Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]</p>
Howth Head SAC (000202)	c. 10.9 km	<p>The conservation objectives for the SAC relate to the maintenance of a favourable conservation</p>

		<p>condition of the following Annex I habitats, as defined by specific attributes and targets:</p> <p>Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]</p> <p>European dry heaths [4030]</p>
South Dublin Bay SAC (000210)	c. 7.9 km	<p>The conservation objectives for the SAC relate to the maintenance of a favourable conservation condition of the following Annex I habitats, as defined by specific attributes and targets:</p> <p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Annual vegetation of drift lines [1210]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Embryonic shifting dunes [2110]</p>
Rogerstown Estuary SAC (000208)	c. 11.2 km	<p>The conservation objectives for the SAC relate to the maintenance of a favourable conservation condition of the following Annex I habitats, as defined by specific attributes and targets:</p> <p>Estuaries [1130]</p> <p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>) [1330]</p> <p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p> <p>Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120]</p> <p>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p>
Lambay Island SAC (000204)	c.17.4 km	<p>The conservation objectives for the SAC relate to the maintenance of a favourable conservation</p>

		<p>condition of the following Annex I habitats and Annex II species, as defined by specific attributes and targets:</p> <p>Reefs [1170]</p> <p>Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]</p> <p>Halichoerus grypus (Grey Seal) [1364]</p> <p>Phoca vitulina (Harbour Seal) [1365]</p>
Special Protection Areas		
Baldoyle Bay SPA (0004016)	c. 7.5 km	<p>The conservation objectives for the SPA relate to the maintenance of the bird species and Annex I habitat listed as Special Conservation Interests for the SPA, as defined by the specific attributes and targets:</p> <p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Shelduck (<i>Tadorna tadorna</i>) [A048]</p> <p>Ringed Plover (<i>Charadrius hiaticula</i>) [A137]</p> <p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Wetland and Waterbirds [A999]</p>
Broadmeadow/Swords Estuary (Malahide Estuary) SPA (004025)	c. 7.47 km	<p>The conservation objectives for the SPA relate to the maintenance of the bird species and Annex I habitat listed as Special Conservation Interests for the SPA, as defined by the specific attributes and targets:</p> <p>Great Crested Grebe (<i>Podiceps cristatus</i>) [A005]</p> <p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Shelduck (<i>Tadorna tadorna</i>) [A048]</p> <p>Pintail (<i>Anas acuta</i>) [A054]</p> <p>Goldeneye (<i>Bucephala clangula</i>) [A067]</p>

		<p>Red-breasted Merganser (<i>Mergus serrator</i>) [A069]</p> <p>Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</p> <p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Knot (<i>Calidris canutus</i>) [A143]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Black-tailed Godwit (<i>Limosa limosa</i>) [A156]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Wetland and Waterbirds [A999]</p>
North Bull Island SPA (004006)	c. 6.75 km	<p>The conservation objectives for the SPA relate to the maintenance of the bird species and Annex I habitat listed as Special Conservation Interests for the SPA, as defined by the specific attributes and targets:</p> <p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Shelduck (<i>Tadorna tadorna</i>) [A048]</p> <p>Teal (<i>Anas crecca</i>) [A052]</p> <p>Pintail (<i>Anas acuta</i>) [A054]</p> <p>Shoveler (<i>Anas clypeata</i>) [A056]</p> <p>Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</p> <p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Knot (<i>Calidris canutus</i>) [A143]</p> <p>Sanderling (<i>Calidris alba</i>) [A144]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Black-tailed Godwit (<i>Limosa limosa</i>) [A156]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Curlew (<i>Numenius arquata</i>) [A160]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p>

		<p>Turnstone (<i>Arenaria interpres</i>) [A169]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Wetland and Waterbirds [A999]</p>
Ireland's Eye SPA (004117)	c. 11.98 km	<p>The conservation objectives for the SPA generally relate to the maintenance of the bird species listed as Special Conservation Interests for the SPA:</p> <p>Cormorant (<i>Phalacrocorax carbo</i>) [A017]</p> <p>Herring Gull (<i>Larus argentatus</i>) [A184]</p> <p>Kittiwake (<i>Rissa tridactyla</i>) [A188]</p> <p>Guillemot (<i>Uria aalge</i>) [A199]</p> <p>Razorbill (<i>Alca torda</i>) [A200]</p>
South Dublin Bay and River Tolka Estuary SPA (004024)	c.5 km	<p>The conservation objectives for the SPA relate to the maintenance of the bird species and Annex I habitat listed as Special Conservation Interests for the SPA, as defined by the specific attributes and targets:</p> <p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</p> <p>Ringed Plover (<i>Charadrius hiaticula</i>) [A137]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Knot (<i>Calidris canutus</i>) [A143]</p> <p>Sanderling (<i>Calidris alba</i>) [A144]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Roseate Tern (<i>Sterna dougallii</i>) [A192]</p> <p>Common Tern (<i>Sterna hirundo</i>) [A193]</p> <p>Arctic Tern (<i>Sterna paradisaea</i>) [A194]</p>

		Wetland and Waterbirds [A999]
Howth Head Coast SPA (004113)	c. 13.25 km	The conservation objectives for the SPA generally relate to the maintenance of the bird species listed as the Special Conservation Interest for the SPA: Kittiwake (<i>Rissa tridactyla</i>) [A188]
Rogerstown Estuary SPA (004015)	c. 11.58 km	The conservation objectives for the SPA relate to the maintenance of the bird species and Annex I habitat listed as Special Conservation Interests for the SPA, as defined by the specific attributes and targets: Greylag Goose (<i>Anser anser</i>) [A043] Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046] Shelduck (<i>Tadorna tadorna</i>) [A048] Shoveler (<i>Anas clypeata</i>) [A056] Oystercatcher (<i>Haematopus ostralegus</i>) [A130] Ringed Plover (<i>Charadrius hiaticula</i>) [A137] Grey Plover (<i>Pluvialis squatarola</i>) [A141] Knot (<i>Calidris canutus</i>) [A143] Dunlin (<i>Calidris alpina</i>) [A149] Black-tailed Godwit (<i>Limosa limosa</i>) [A156] Redshank (<i>Tringa totanus</i>) [A162] Wetland and Waterbirds [A999]

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

12.4.4. I consider that there is no possibility of significant effects on the following designated sites within 15 km, with regard to their conservation objectives, due to intervening distances, to the nature of the intervening land uses and to the absence of a hydrological or any other linkage between the development and the European Site, and/or due to the presence of a substantial marine water buffer between the surface

water discharge point and/or the WWTP outfall pipe at Ringsend and the European site and potential for pollution to be dissipated in the drainage network. I have therefore excluded them from the remainder of this AA screening:

- Baldoyle Bay SAC (000199)
- Malahide Estuary SAC (000205)
- Rockabill to Dalkey Island SAC (003000)
- Ireland's Eye SAC (002193)
- Howth Head SAC (000202)
- Rogerstown Estuary SAC (000208)
- Lambay Island SAC (000204)
- Special Protection Areas
- Baldoyle Bay SPA (0004016)
- Broadmeadow/Swords Estuary (Malahide Estuary) SPA (004025)
- Ireland's Eye SPA (004117)
- Howth Head Coast SPA (004113)
- Rogerstown Estuary SPA (004015)

12.5. Potential Effects on Designated Sites

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

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

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

- The nature and scale of the proposed development being a moderately sized residential development on zoned and serviced land.
- The development site is within normal foraging range of SCI species of the North Bull Island SPA and the South Dublin and River Tolka Estuary SPA. However, the habitats at the site are of limited suitability for foraging wetland birds as grasslands are enclosed by treelines, hedgerows, and building and artificial surfaces. Birds such as brent geese tend to favour open sites which are unenclosed by dense vegetation, which provides cover for their predators. In addition, the development site is highly disturbed by human and domestic animal activity. Given the nature of the site and its environs, only Black-headed gull has potential to be present in the surrounding area, though unlikely to use the proposed development site for the reasons outlined above. Habitats at the site are therefore not suitable for regularly occurring populations of wetland or wading birds which may be features of interest of the South Dublin Bay and River Tolka Estuary SPA. The development will not lead to any decrease in the range, timing, or intensity of use of any areas within any SPA by these QI bird species. The development will not lead to the loss of any wetland habitat area within either SPA. No ex-situ impacts can occur.
- The development cannot increase disturbance effects to birds in Dublin Bay given its distance from these sensitive areas. There are no sources of light or noise over and above that this is already experienced in this built-up, urbanised location.
- The development site does not support populations of any other fauna species linked with the QI/SCI populations of any European site(s).
- Surface water run-off and discharges from the proposed development will drain to the existing local surface water drainage network. Foul waters from the proposed development will be discharged to Ringsend WWTP for treatment, via the

existing foul water drainage network, prior to discharge into the Liffey Estuary/Dublin Bay.

- The EIAR, the Engineering Services Report, the Outline Construction Management Plan and the proposed Construction and Demolition Waste Management Plan detail standard construction management measures to control the possibility of potential pollutants exiting the site during construction and operation (in respect of SuDs), including surface water management, material storage, waste management and other environmental management measures. These works/measures are a standard approach for construction works in an urban area and it should be noted that their implementation would be necessary for a residential development on any site in order to protect the surrounding environs regardless of proximity or connections to any European Site or any intention to protect a European Site. I am satisfied that the measures outlined are typical and well proven construction methods and would be expected by any competent developer whether or not they were explicitly required by the terms and conditions of a planning permission.
- I also consider that, even if the aforementioned best practice construction management measures were not in place, the possibility of significant effects on designated sites is unlikely given the nature and scale of the development, the intervening distance between the development and the designated sites and the resultant dilution factor with regard to the conservation objectives of the relevant designated sites and habitats and species involved. I therefore do not include these measures as 'mitigation measures' for the purposes of protecting Natura sites.
- The development will be served by a public wastewater sewer. Therefore, there is a weak/indirect/interrupted hydrological link between the Site and South Dublin Bay SAC, North Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA and North Bull Island SPA via discharges from Ringsend WWTP during the operational phase. The potential for foul waters generated at the development site to reach European sites within Dublin Bay and cause significant effects, during the construction and operational phases, is negligible due to:

- The potential for dilution in the surface water network during heavy rainfall events.
- The upgrade works to Ringsend WWTP which will increase the capacity of the facility from 1.6 million PE to 2.4 million PE.
- It is considered that effects on marine biodiversity and the European sites within Dublin Bay from the current operation of Ringsend WWTP are unlikely.
- The main area of dispersal of the treated effluent from Ringsend WWTP is in the Tolka Basin and around North Bull Island. South Dublin Bay is unaffected by the effluent from the plant (Irish Water, 2018).
- The increase of Population Equivalent (PE) at the facility as a result of the proposed development, assuming each PE unit was not previously supported by the WWTP, is considered to be an insignificant increase in terms of the overall scale of the facility. This potential maximum increased load does not have the capacity to alter the effluent released from the WWTP to such an extent as to result in likely significant effects on this SAC. In addition, upgrade works are currently on-going at Ringsend WWTP to increase the capacity of the facility from 1.6 million PE to 2.4 million PE by 2025. This plant upgrade will result in an overall reduction in the final effluent discharge of several parameters from the facility including BOD, suspended solids, ammonia, DIN and MRP (Irish Water, 2018).

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

12.1. In Combination Effects

12.1.1. The expansion of the city is catered for through land use planning by the various planning authorities in the Dublin area, including the Fingal County Development Plan 2017-2023 covering the location of the application site which is zoned for high density development under the ME Metro Economic Corridor zoning objective. This plan has been subject to AA by the planning authority, which concluded that its

implementation would not result in significant adverse effects to the integrity of any Natura 2000 areas. I note also the development is on serviced lands in an urban area and does not constitute a significant urban development in the context of the city. As such the proposal will not generate significant demands on the existing municipal sewers for foul water and surface water. While this project will marginally add to the loadings to the municipal sewer, evidence shows that negative effects to Natura 2000 sites are not arising. Furthermore, I note upgrade works have commenced on the Ringsend Wastewater Treatment works extension permitted under ABP – PL.29N.YA0010 and the facility is currently operating under EPA licencing which was subject to AA Screening. Similarly, I note the planning authority raised no AA concerns in relation to the proposed development.

12.1.2. The development is not associated with any significant loss of semi-natural habitat or pollution which could act in a cumulative manner to result in significant negative effects to any SAC or SPA. There are no projects which can act in combination with the development which can give rise to significant effect to Natura areas within the zone of influence.

12.2. AA Conclusion and Screening Determination

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

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

13.0 Recommendation

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

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

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

14.0 Recommended Order

Planning and Development Acts 2000 to 2023

Planning Authority: Fingal County Council

Application for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, as amended, in accordance with plans and particulars, lodged with An Bord Pleanála on the 13th day of April 2022 by Cosgrave Developments Unlimited Company, 15 Hogan Place, Grand Canal Street, Dublin 2.

Proposed Development comprises of the following:

255 number apartments, creche and associated site works at lands between Swift Square and Sports Surgery Clinic, Northwood Avenue, Santry, Dublin 9.

The development comprises:

- Construction of a residential development comprising of five number apartment blocks containing 255 number apartment units to include 11 number one-bedroom units, 229 number two-bedroom units and 15 number three-bedroom units together with a childcare facility, shared residential services in a single storey between Blocks 2 and 3, and open spaces over a shared basement. Each apartment block will comprise of:
 - Block 1 will be an eight storey block containing 49 number apartment units consisting of seven number one-bedroom units, 42 number two-bedroom units with a childcare facility (circa 398 square metres) at ground floor level with associated outdoor play area;
 - Block 2 will be a nine storey block providing a total of 60 number apartment units comprising one number one-bedroom units, 57 number two-bedroom units, two number three-bedroom units with a concierge /multifunction area (circa 246 square metres) at ground floor level extending into a single storey block and the provision of a residential gym (73 square metres);
 - Block 3 will be a 7-8 storey block providing a total of 47 number apartment units comprising one number one-bedroom unit, 38 number two-bedroom units and eight number three-bedroom units;
 - Block 4 will be an 8-9 storey block providing a total of 52 number apartment units comprising one number one-bedroom unit, 49 number two-bedroom units and two number three bedroom units; and
 - Block 5 will be a 5-9 storey block providing a total of 47 number apartment units comprising one number one-bedroom unit, 43 no. two-bedroom units and three number three-bedroom units.
- Provision of 277 number car parking spaces (including five number disabled parking spaces) at basement level, 16 number car parking spaces (including one number disabled parking space and two number car sharing spaces) at surface level, eight number motorbike parking spaces at basement level, 600 number

cycle parking spaces at basement level and 128 number cycle parking spaces at surface level (including 72 number sheltered spaces);

- A new vehicular access ramp to basement level;
- Private open space to apartments in the form of terraces, balconies and gardens;
- Communal and public open spaces including play areas; and
- All associated plant, drainage arrangements, works to facilitate utility connections, substation, boundary treatment, landscaping, public lighting, refuse storage, construction compounds, vehicle access and site development works.

Decision

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

Matters Considered

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

Reasons and Considerations

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

- (a) The location of the site in the established urban area of County Fingal in an area subject to the ME 'Metro Economic' zoning objective where high density mixed-use and residential development is envisaged under the County Development Plan;
- (b) The policies and objectives of the Fingal County Development Plan 2017-2023;

- (c) The Rebuilding Ireland Action Plan for Housing and Homelessness 2016;
- (d) The Housing for All, A New Housing Plan for Ireland issued by the Department of Housing, Local Government and Heritage September 2021;
- (e) Project Ireland 2040 National Planning Framework;
- (f) The Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2013 (and Interim Advice note Covid 19 May 2020);
- (g) 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;
- (h) The Urban Development and Building Heights Guidelines for Planning Authorities, prepared by the Department of Housing, Planning and Local Government in December 2018;
- (i) The Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of the Environment, Community and Local Government in 2022;
- (j) 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;
- (k) The planning history of the site and within the area;
- (l) Section 37(b)(2) of the Planning and Development Act 2000, as amended, whereby the Board is not precluded from granting permission for a development which materially contravenes a Development Plan;
- (m) The pattern of existing and permitted development in the area;
- (n) The Chief Executive's Report from the planning authority;
- (o) The submissions and observations received, and
- (p) The report and recommendation of the Inspector.

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

Appropriate Assessment Screening

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

Environmental Impact Assessment

The Board completed an environmental impact assessment of the proposed development, taking into account:

- (a) the location, nature, scale, and extent of the proposed development.
- (b) the Environmental Impact Assessment Report and associated documentation submitted in support of the planning application.
- (c) the submissions from the Chief Executive and the prescribed bodies in the course of the application, and the submissions received from Observers.

(d) the Inspector's report.

The Board considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the applicant, adequately identifies, and describes the direct, indirect, secondary, and cumulative effects of the proposed development on the environment. The Board agreed with the examination, set out in the Inspector's report, of the information contained in the environmental impact assessment report and associated documentation submitted by the applicant and submissions made in the course of the planning application.

Reasoned Conclusions on the Significant Effects

The Board considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the applicant, provided information which is reasonable and sufficient to allow the Board to reach a reasoned conclusion on the significant effects of the project on the environment, taking into account current knowledge and methods of assessment. The Board is satisfied that the information contained in the Environmental Impact Assessment Report is up to date and complies with the provisions of EU Directive 2014/52/EU amending Directive 2011/92/EU.

The Board considered and agreed with the Inspector's reasoned conclusions, that the main significant direct and indirect effects of the proposed development on the environment are, and would be mitigated where required, as follows:

- Significant positive impacts on population and human health due to the increase in housing stock within the Santry area. Potential impacts on human health during construction will be mitigated by the measures set out in the proposed Construction and Environmental Management Plan CEMP and the Outline Construction and Demolition Waste Management Plan.
- Biodiversity impacts, which will be mitigated by construction management measures including dust management, noise management and waste management; measures to protect surface water quality during construction and operation including SuDS measures; landscaping proposals which will provide

new habitats and ecological enhancement measures including bird boxes and bat boxes.

- Land and Soils impacts, which will be mitigated by the measures set out in the Outline Construction and Environmental Management Plan and the proposed Construction and Demolition Waste Management Plan including control of soil excavation/infill and export from site; fuel and chemical handling, transport and storage and control of water during construction, also by the proposed surface water management measures that are part of the completed development.
- Water impacts, which will be mitigated by construction management measures as per the Outline Construction Environmental Management Plan; SuDS measures, surface water management and monitoring.
- The proposed development is not likely to have significant adverse effects on human health, air and climate, material assets, cultural heritage or the landscape.

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

Conclusions on Proper Planning and Sustainable Development:

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

The Board considered that, while a grant of permission for the proposed Strategic Housing Development would not materially contravene a zoning objective of the statutory plans for the area, a grant of permission could materially contravene the Fingal County Development Plan 2017-2023 in relation to development plan Objective DMS75 and the provision of play facilities. The Board considers that, having regard to the provisions of section 37(2) of the Planning and Development Act 2000, as amended, the grant of permission in material contravention of the Dublin City Development Plan 2016-2022 would be justified for the following reasons and considerations.

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

The proposed development is considered to be of strategic and national importance having regard to the definition of 'strategic housing development' pursuant to section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016 (as amended) and its potential to contribute to the achievement of the Government's policy to increase delivery of housing from its current under supply set out in Rebuilding Ireland – Action Plan for Housing and Homelessness issued in July 2016, noting in particular the location of the development site on lands with the zoning objective ME Metro Economic, where there is an objective to facilitate opportunities for high-density mixed-use development generating activity and commercial development, and to support the provision of an appropriate quantum of residential development within the Metro Economic Corridor.

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

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

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

15.0 Conditions

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

Reason: In the interest of clarity.

2. Mitigation and monitoring measures outlined in the plans and particulars, including the Environmental Impact Assessment Report (EIAR) and the Outline Construction Environmental Management Plan shall be carried out in full, except where otherwise required by conditions attached to this permission.

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

3. The proposed development shall be amended as follows:
 - Opaque windows shall be provided to at the ground to 6th floors at the western sides of Blocks 1 and 3.
 - The layout of the eastern access road to the development shall be revised to incorporate existing pedestrian facilities serving the Sports Surgery Clinic.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of residential and visual amenities.

3. 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.

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

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

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

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

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

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

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

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

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

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

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

Reason: In the interests of amenity and public safety.

10. The internal noise levels, when measured from bedroom windows of the proposed development, shall not exceed:

- (a) 35 dB(A) LAeq during the period 0700 to 2300 hours, and
- (b) 30 dB(A) LAeq at any other time.

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

Reason: In the interest of residential amenity.

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

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

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

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

13. 728 number bicycle parking spaces shall be provided within the site. Details of the layout, marking demarcation and security provisions for these spaces shall be as submitted to An Bord Pleanála with this application, unless otherwise agreed in writing with, the planning authority prior to commencement of development.

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

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

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

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

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

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

16. Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. Prior to commencement of development the developer shall submit to the planning authority for written agreement a Stage 2 - Detailed Design Stage Storm Water Audit. Upon Completion of the development, a Stage 3 Completion Stormwater Audit to demonstrate Sustainable Urban Drainage System measures have been installed, and are working as designed and that there has been no misconnections or damage to storm water drainage infrastructure during construction, shall be submitted to the planning authority for written agreement.

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

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

Reason: In the interest of public health.

18. Construction and demolition waste shall be managed in accordance with a final construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

19. The construction of the development shall be managed in accordance with a final Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:

- (a) Works to remove trees and structures from the site shall take place outside of bird nesting season;
- (b) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
- (c) Location of areas for construction site offices and staff facilities;
- (d) Details of site security fencing and hoardings. Hoardings shall include a one square metre area on each road frontage detailing site management contact details;
- (e) Details of on-site car parking facilities for site workers during the course of construction;
- (f) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;

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

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

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

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

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

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

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

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

21. Site development and building works shall be carried out only between 0800 to 1900 hours Mondays to Fridays inclusive and 0800 to 1300 hours on Saturdays, and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

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

Reason: In the interests of visual and residential amenity.

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

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

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

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

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

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

26. 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.

27. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the protection of the existing sycamore trees at the site that are subject to a Tree Preservation Order, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory retention and protection of the trees. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory retention of trees at the site that are subject to a Tree Preservation Order.

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

default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

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

Sarah Moran
Senior Planning Inspector
13th March 2023