



An
Bord
Pleanála

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

Inspector's Report ABP-313338-22

Strategic Housing Development

Demolish buildings and construct 207 build-to-rent apartments and a childcare facility in three blocks of six to ten-storeys and associated development

Location

Tack Packaging Site, Ravens Rock Road & Carmanhall Road, Sandyford Business Park, Dublin 18

Planning Authority

Dun Laoghaire-Rathdown County Council

Applicant

Sandyford Environmental Construction Ltd.

Prescribed Bodies

Uisce Éireann
Transport Infrastructure Ireland

Observers

John Conway and the Louth Environmental Group
Inland Fisheries Ireland

Atlas GP Ltd.

Date of Site Inspection

19th March 2024

Inspector

Colm McLoughlin

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1.0 Introduction

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

2.0 Site Location and Description

- 2.1. The former Tack Packaging site is situated within the Sandyford business park in the southern suburbs of Dublin, approximately 7.5km from the city centre. It measures a gross site area of approximately 0.7 hectares and primarily comprises flat-roof, two-storey buildings, including a red-brick office on the northern side fronting onto Carmanhall Road and two ancillary warehouse / light-industrial buildings onto a central service yard located on the southern side of the site. A surface-level car park area flanks the office building. Tree-lined grass verges and footpaths separate the site from the adjoining public roads. The site also includes narrow sections of the public road along Carmanhall Road, which are stated to be within the control of the Planning Authority. It is situated approximately a 350m walk from the Stillorgan greenline Luas stop and 650m to the north of the M50 motorway. The site is fully enclosed along the roadside boundaries by a security fence and gates and there are several mature trees surrounding the buildings on site, including along the northwest corner onto Ravens Rock Road and Carmanhall Road. Vehicular access to the site is available from Ravens Rock Road and based on the application details there is approximately a 3m gradual fall from the southwest corner of the site onto Ravens Rock Road, to the northeast corner of the site onto Carmanhall Road.
- 2.2. The immediate area has undergone gradual change in recent years, from a light industrial, business park to an increasingly densified mixed-use district. The adjoining properties to the south and southeast comprise office and commercial buildings generally varying from two to six storeys in height. The adjoining site to the east, known as the Avid Technology site, has been cleared of the two-storey buildings that once occupied it and it is now fully enclosed by security hoarding. More recently redeveloped sites in the immediate area, particularly to the north of

Carmanhall Road, feature taller commercial and residential buildings frequently with active uses at ground floor.

3.0 Proposed Strategic Housing Development

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

- demolition and removal of two-storey office and commercial buildings (c.1,614sq.m), as well as hard-surface yard areas;
- construction of a build-to-rent residential development, comprising 207 apartments within three blocks (A, B and C) featuring six to ten-storey elements over a partial basement structure and in a mix of 48 studio apartments, 103 one-bedroom apartments, 55 two-bedroom apartments and one three-bedroom apartment, each served by balconies or terraces;
- provision of a childcare facility (306sq.m) at lower-ground and ground-floor level to block C, residents' support facilities, services and amenities space at lower-ground and ground-floor levels (415sq.m) to blocks A, B and C, external communal amenity spaces (1,425sq.m) in the form of a podium-level courtyard space and at an eighth-floor roof-terrace to block A and a seventh-floor roof-terrace to block B;
- provision of public open space (425sq.m) in the form of a pocket park on the junction of Carmanhall Road and Ravens Rock Road;
- vehicular entrance off Ravens Rock Road to a basement and lower-ground floor undercroft car park featuring 79 car parking spaces and 288 cycle parking spaces, and a vehicular exit onto Carmanhall Road;
- provision of six 0.3m-diameter microwave dish antennas mounted on steel-support poles and associated telecommunications equipment affixed to a plant screen at roof level to block C;
- provision of photovoltaic panels to roof level of block B, two electricity substations, switchrooms, plantrooms and storage rooms at basement and lower ground-floor levels, hard and soft landscaped areas, public lighting,

drainage infrastructure, service connections, including connections across Carmanhall Road, and all ancillary site development works.

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

Table 3.1 Stated Development Standards

Site Area (gross / net)	0.7ha / 0.57ha
No. of units	207
Part V units (%)	20 (10%)
Demolition Gross Floor Area (GFA)	1,614sq.m
Residential Net Floor Area	11,816sq.m
Ancillary residential GFA (% total GFA)	1,169sq.m
Non-residential GFA (% total GFA)	306sq.m (2.3%)
Total GFA	13,291sq.m
Residential Density (net)	363 units per ha
Public Open Space (% of net site area)	425sq.m (7.5%)
Communal Open Space (% of net site area)	1,425sq.m (25%)
Plot Ratio (net)	2.95:1

Table 3.2 Unit Mix

	studio	one-bedroom	two-bedroom	three-bedroom	Total
Apartments (%)	48 (23.2%)	103 (49.8%)	55 (26.6%)	1 (0.5%)	101

Table 3.3 Parking Spaces

Cars	79
Bicycles	288
Motorcycles	3

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

- Planning Report & Statement of Consistency;
- Response to Opinion;
- Material Contravention Statement;
- Architectural Design Statement;
- Environmental Impact Assessment Report (EIAR);
- Verified Photomontages;

- Engineering Assessment Report;
- Appropriate Assessment Screening Report;
- Residential Quality Audit;
- Construction Environmental Management Plan (CEMP);
- Building Life Cycle Report;
- Daylight & Sunlight Analysis;
- BTR Covenant Agreement;
- Property Management Strategy Report;
- Landscape Design Statement;
- Flood Risk Assessment;
- Traffic and Transport Assessment;
- Statement of Consistency on DMURS;
- Stage 1 - Quality Audit;
- Preliminary Construction Management Plan (CMP);
- Resource Waste Management Plan for Construction and Demolition Waste;
- Travel Plan;
- Operational Waste Management Plan;
- Energy Analysis Report;
- Site Lighting Report;
- Utilities Report;
- Arboricultural Assessment, Arboricultural Impact and Tree Protection Strategy Report;
- Social Infrastructure Audit;
- Stage 1 Stormwater Audit;
- Preliminary Fire Safety and Access and Use Strategy;
- Statement in Accordance with Article 299B(1)(b)(ii)(II)(C) of the Planning and Development Regulations 2001 - 2021.

4.0 Planning History

4.1. Application Site

- 4.1.1. The Planning Authority and the applicant refer to the following planning application as the most recent application decision relating to the subject site:

- Dun Laoghaire-Rathdown County Council (DLRCC) ref. D05A/0566 - in September 2005 the Planning Authority granted permission for a mixed-use development comprising three blocks between nine and 12 storeys, containing three retail / commercial units, a gymnasium and 182 apartments with vehicular access to a basement car park off Ravens Rock Road.

4.1.2. The applicant refers to other planning applications relating to the site dating from 1978 to 2002 for a variety of proposals, including an office development permitted in 2001 (DLRCC ref. D00A/1243).

4.2. Surrounding Area

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

- An Bord Pleanála (ABP) ref. 318255-23 – in January 2024 the Board determined that the imposition of a condition relating to unit mix provisions in the decision of the Planning Authority under DLRCC LRD23A/0505 granting permission for a large-scale residential development comprising 110 apartments in The Sentinel building approximately 450m to the northwest of the application site would be warranted;
- ABP ref. 314523-22 – in December 2023 the Board decided to refuse to grant permission for a strategic housing development comprising 334 build-to-rent apartments in four blocks ranging from five to 16 storeys on the former Avid-technology site adjoining to the southeast of the application site, at the junction of Blackthorn Road and Carmanhall Road, due to concerns with respect to the density, mass and volume of the proposed development, as well as the resultant substandard residential amenities for future occupiers of the development;
- ABP ref. 313209-22 – in April 2022 a strategic housing development was lodged to the Board seeking permission for the demolition of buildings and the construction of 101 build-to-rent apartments in an eleven-storey block on the IVM House site opposite the application site to the northwest at the junction of Ravens Rock Road and Carmanhall Road. I am not aware of a decision on this application to the Board;

- ABP ref. 311722-21 – a strategic housing development was granted permission by the Board in March 2022 providing for 190 build-to-rent apartments in two blocks ranging from 14 to 15 storeys on the former Siemen’s site, approximately 200m to the north of the application site at the junction of Ballymoss Road and Blackthorn Avenue;
- ABP ref. 310104-21 – in August 2021 a strategic housing development for 428 build-to-rent apartments in blocks ranging from six to 17 storeys on the former Avid-technology site, as referred to above, was refused permission by the Board due to shortfalls with respect to communal space, residents’ amenities and support facilities, bicycle parking, private amenity space, daylight to apartments and the development potential of the adjoining site to the northwest, as well as the failure for the height and density of the development to be justified following material contravention procedures;
- ABP ref. 305940-19 – a strategic housing development was granted permission by the Board in March 2020 providing for the demolition of buildings and the construction of 564 build-to-rent apartments and a childcare facility in six blocks ranging in height from five to 17 storeys on the former Aldi-supermarket site located on Carmanhall Road approximately 200m to the northwest of the application site. This development (Sandyford Central) appears to be nearing completion;
- ABP ref. 304405-19 – a strategic housing development was granted permission by the Board in August 2019 providing for 428 apartments, a childcare facility and four local retail units in two blocks ranging in height from five to 14 storeys on a site known as Rockbrook, located approximately 270m to the northwest of the application site on Carmanhall Road. This development appears to be under construction at present;
- ABP ref. 303467-19 – a strategic housing development was granted permission by the Board in April 2019 providing for 706 student bedspaces and two commercial units in a u-shaped block configuration with building heights ranging from seven to nine storeys on the adjoining Avid-technology site.

5.0 Section 5 Pre-application Consultation

5.1. Pre-application Consultation

5.1.1. A pre-application consultation meeting between representatives of An Bord Pleanála, the applicant and the Planning Authority took place on the 17th day of December, 2020, in respect of a development on the subject site comprising 223 apartments, a childcare facility and associated site works. Copies of the record of this consultation meeting and the Inspector's report are appended to this file. The main topics raised for discussion at the tripartite meeting were as follows:

- planning policy context – Sandyford Urban Framework Plan standards, infrastructures, residential density, heights and open space;
- development strategy, including layout, scale and design;
- residential amenities, including amenity space and facilities, communal space, lighting, and childcare facility play space;
- transportation, including car and cycle parking provision;
- water services, including surface water and flood-risk elements.

5.2. Board Opinion

5.2.1. In the Notice of Pre-Application Consultation Opinion (ABP ref. TC06D.308186-20) dated the 22nd day of December, 2020, An Bord Pleanála stated that it was of the opinion that the documents submitted required further consideration and amendment to constitute a reasonable basis for an application under section 4 of the Act of 2016. The Board stated in their opinion that the following issues needed to be addressed:

- development strategy – scale, height and design relative to Framework Plan provisions, as well as the design and massing relative to the provisions of the Urban Development and Building Heights - Guidelines for Planning Authorities;
- residential amenity – permeability and legibility, communal and public open space lighting and functionality, lighting, aspect and outlook to apartments, and the provision of social and recreational infrastructures in the area.

5.2.2. In addition to the standard strategic housing development application requirements, the following specific information should be submitted with any application for permission arising:

- justification for pedestrian movement and various interfaces;
- justification for the residents' amenities and support facilities;
- public realm details;
- justification for the ground-floor apartments and ramped access off Ravens Rock Road;
- boundary treatment details;
- open space areas and wind impacts;
- segregated childcare facility play space and access to light;
- justification for the mezzanine to the childcare facility;
- arboricultural assessment;
- social and community audit;
- justification for the quantum of car and cycle parking;
- sunlight and daylight analysis;
- wind and microclimate analysis;
- materials strategy;
- housing quality assessment;
- building lifecycle report;
- screening for Environmental Impact Assessment (EIA);
- CEMP;
- site layout plan with taken-in-charge areas;
- details addressing issues raised by the Transportation, Drainage Planning and Parks Division of the Planning Authority;
- a material contravention statement.

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

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

5.3. Applicant's Response to Opinion

5.3.1. The application includes a 'Response to Opinion ABP Ref. 308186-20', with section 2 of this report setting out the specific information that has been submitted with the application to address the opinion of the Board. Section 3 of the response report addresses the pre-application submission from the Planning Authority. The applicant considers all matters raised in the Board's opinion to be comprehensively addressed in the planning application and they state that all requested bodies were notified of the application.

6.0 Planning Policy

6.1. National Planning Policy

Project Ireland 2040 - National Planning Framework

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

6.1.2. National policy objectives (NPOs) for people, homes and communities are set out under chapter 6 of the NPF. NPO 33 seeks to prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to the respective location. NPO 35 provides for increased

residential densities in settlement through a range of measures, including increased building heights. Other NPOs of relevance to this application include NPOs 4 (build attractive, liveable, well-designed urban places) and 13 (development standards).

Ministerial Guidelines

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

- Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024) (hereinafter the ‘Sustainable Settlements Guidelines’);
- Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2020) (hereinafter the ‘New Apartment Guidelines’);
- Design Manual for Urban Roads and Streets (DMURS) (2019);
- Urban Development and Building Heights, Guidelines for Planning Authorities (2018) (hereinafter the ‘Building Heights Guidelines’);
- Water Services Guidelines for Planning Authorities – Draft (2018) and Circular FPS 01/2018 issued by the Department of Housing, Planning and Local Government on the 17th day of January, 2018;
- The Planning System and Flood Risk Management - Guidelines for Planning Authorities, including the associated Technical Appendices (2009) (hereinafter the ‘Flood Risk Guidelines’);
- Childcare Facilities – Guidelines for Planning Authorities (2001) (hereinafter the ‘Childcare Guidelines’).

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

- Cycle Design Manual (2023);
- Climate Action Plan (2023);

- Transport Strategy for the Greater Dublin Area 2022-2042;
- Places for People – National Policy on Architecture (2022);
- Housing for All – A New Housing Plan for Ireland (2021);
- Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment (2018);
- Part V of the Planning and Development Act 2000 - Guidelines (2017);
- Road Safety Audits (TII, 2017);
- Rebuilding Ireland - Action Plan for Housing and Homelessness (2016);
- Traffic and Transport Assessment Guidelines (TII, 2014);
- Building Research Establishment (BRE) 209 Guide - Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice, (2nd Edition 2011 / 3rd Edition 2022);
- Appropriate Assessment of Plans and Projects in Ireland - Guidance for Planning Authorities (2009);
- Greater Dublin Regional Code of Practice for Drainage Works (Version 6.0).

6.2. Regional Planning Policy

- 6.2.1. The 'Eastern and Midland Regional Assembly Regional Spatial and Economic Strategy (RSES) 2019-2031' supports the implementation of Project Ireland 2040 and the economic and climate change policies of the Government, by providing a long-term strategic planning and economic framework for the region.
- 6.2.2. Sandyford business park is situated in the Dublin metropolitan area, as defined in the RSES for the eastern and midland regional authority (EMRA) area, where it is intended to deliver sustainable growth through the Dublin Metropolitan Area Strategic Plan (MASP) to ensure a steady supply of serviced development land. Key principles of the MASP include compact sustainable growth, as well as accelerated housing delivery and integrated transport. Sandyford is identified in the RSES as an emerging mixed-use district alongside Swords and Lissenhall in north County Dublin, and other areas within Dun Laoghaire-Rathdown, all of which form part of the

Metrolink / Luas greenline corridor, which is considered in the RSES to have short to long-term capacity for between 28,000 to 71,000 additional homes. Short to medium-term strategic development of this area is dependent on the phasing of enabling infrastructure, which the RSES refers to as comprising LUAS greenline, public transport and roads upgrades. The following regional policy objectives (RPOs) of the RSES are considered relevant to this application:

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

6.3. Local Planning Policy

Dun Laoghaire-Rathdown County Development Plan 2022-2028

- 6.3.1. Dun Laoghaire-Rathdown County Development Plan 2022-2028 came into effect on the 21st day of April, 2022. The application was lodged to the Board on the 14th day of April, 2022, when the final Development Plan was adopted.
- 6.3.2. Sandyford business park is identified in the Development Plan as a strategic employment location with significant opportunity for the redevelopment and intensification of its brownfield lands. The application site and the adjoining lands to the west and south have a land-use zoning objective 'A2' within the Development Plan 'to provide for the creation of sustainable residential neighbourhoods and preserve and protect residential amenity'.
- 6.3.3. Section 4.3 of the Development Plan refers to policy objectives relating to 'Homes' and section 12.3.6 sets out development standards for build-to-rent accommodation. There is an objective identified in the Development Plan to protect and preserve trees and woodlands in the northwest and southwest corners of the application site. The site is not identified in the Development Plan as being within an area at risk of

flooding. It is within the area subject to the terms of the Luas line B1 extension supplementary development contribution scheme.

- 6.3.4. The site is within the area covered by the Sandyford Urban Framework Plan, which is appended to the Development Plan. Specific development standards relating to the application site are set out within this Framework Plan, including density, building height, design principles, infrastructure, support services, amenities, parking and phasing. All proposals within the Framework Plan area are required to address the objectives set out in Appendix 16 of the Development Plan for the respective zones within the Framework Plan area. The application site is within the 'Objective A2 Residential Zone 5' with objectives for this zone listed in section 2.3.5 of the Framework Plan.

7.0 Statement of Consistency

- 7.1. The applicant has submitted a Planning Report containing a statement of consistency forming part B of this report, as per the provisions of Section 8(1)(iv)(I) of the Act of 2016. Section 4 of the applicant's statement refers to the provisions of various strategies, directives, guidelines and plans, including 'Project Ireland 2040', 'Housing for All, A New Housing Plan for Ireland', 'Rebuilding Ireland', the 'Transport Strategy for the Greater Dublin Area 2016-2035', DMURS, the RSES for the EMRA, the New Apartment Guidelines, the Building Heights Guidelines, the Flood Risk Guidelines and the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas. Sections 15.9 to 15.13 inclusive within the applicant's statement address local planning policy contained within the Dun Laoghaire-Rathdown Development Plan 2016-2022 and the Dun Laoghaire-Rathdown County Development Plan 2022-2028, including the respective appended Sandyford Urban Framework Plans. The statement asserts that the proposed development would largely be consistent with national and regional planning policy, as well as the policies and provisions of the Development Plan and the appended Framework Plans. Where inconsistencies arise with respect to height, density, apartment mix, car parking, external storage and tree preservation, the applicant states that this is addressed in the Material Contravention Statement.

8.0 Material Contravention Statement

- 8.1. The applicant has submitted a Material Contravention Statement, as provided for under Section 8(1)(iv)(II) of the Act of 2016. The applicant states that this Statement is submitted with the application in the event that An Bord Pleanála consider the proposed development to materially contravene specific objectives of the Dun Laoghaire-Rathdown Development Plan 2016-2022, including the associated Sandyford Urban Framework Plan, with respect to proposed building height, development density, car parking provision, apartment unit mix, tree preservation, dual aspect, public open space and private open space.
- 8.2. The applicant states that this Statement is also submitted with the application in the event that An Bord Pleanála consider the proposed development to materially contravene specific objectives of the Dun Laoghaire-Rathdown County Development Plan 2022-2028, including the appended Sandyford Urban Framework Plan, which was adopted at the time of lodging the application. The applicant's Material Contravention Statement addresses matters with respect to proposed building height and development density, the proportion of three-bedroom units proposed, tree protection and preservation objectives, as well as standards addressing dual aspect, external storage and car parking. Within this Statement the applicant sets out their rationale to justify granting permission, by asserting that:
- the height and density of the development would be appropriate based on NPOs, conflicting objectives in the Development Plan and Framework Plan, and the provisions of the New Apartment Guidelines and the Building Heights Guidelines;
 - the proposed unit mix would be appropriate based on specific planning policy requirement SPPR 7 of the New Apartment Guidelines;
 - the proposed car parking would be appropriate based on SPPR 7 of the New Apartment Guidelines and based on the pattern of similar parking within other permitted developments;
 - external storage would not be necessary based on SPPR 7 of the New Apartment Guidelines;

- the proposed development would be appropriate based on the conflicting objectives of the Sandymount Urban Framework Plan and the Development Plan with regard to tree preservation;
- the proposed proportionate provision of dual aspect apartments would be appropriate based on SPPR 8 of the New Apartment Guidelines and as the site is in a central and / or accessible urban location.

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

9.0 Observers' Submissions

9.1. Three submissions were received within the statutory period, one of which was submitted in support of the proposals from the stated owner of the adjoining Avid Technology site, and this can be summarised as follows:

- a complementary masterplan has been prepared for the subject Tack Packaging site and the observer's Avid Technology site, in order for these sites to be redeveloped in a co-ordinated manner and independently of each other;
- a pedestrian bridge linking the proposed communal open spaces on the subject and adjoining site would form an important element of the pedestrian access strategy and a condition can be attached to provide for the phased delivery of this infrastructure, with the suggested wording for this condition provided.

9.2. A submission was received from two parties with an address in Dundalk, County Louth. The issues raised in this submission requesting that the Board refuse permission for the proposed development, can be summarised as follows:

Section 28 Guidelines, Planning Guidelines & Legislation

- the Building Heights Guidelines and the New Apartment Guidelines, including their respective SPPRs, are unconstitutional, and the Board should refuse to

consider and cannot grant permission for the proposed development if relying on these Guidelines;

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

Screening for EIA

- even though the proposed development is subthreshold for the purposes of EIA, it should be subject of EIA;
- the application, including the Ecological Report, do not permit an assessment of the potential environmental impacts of the proposed development;
- certain matters should not be left over for agreement following the decision or determination with the assigned development contractor, due to concerns

regarding public participation, which would be contrary to the requirements of the EIA Directive;

- the Board lacks the expertise or access to same in order to examine the EIA Screening Report;
- the EIA Screening Report submitted does not comply with statutory requirements and is inadequate, as it fails to assess the impact of the increased population on local services and as it is not based on a complete development description, omitting details of the construction phase;
- insufficient and inadequate information is included with the application regarding the risk to human health, pollution, construction phase impacts, collision-risk for birds and bats, and the general impact on biodiversity and human health arising from the proposed development;
- the EIAR submitted is inadequate and deficient, and it fails to provide a comprehensive cumulative impact assessment of the proposed development, including other strategic housing developments;

Screening for Appropriate Assessment (AA)

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

- the AA Screening Report submitted has regard to mitigation measures and has no regard or inadequate regard for the in-combination impacts of the proposed development on protected sites, including other developments;
- reliance on Ringsend Wastewater Treatment Plan (WWTP) to serve the development is flawed;

Build-to-Rent

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

9.3. A submission was received from Inland Fisheries Ireland and this can be summarised as follows:

- the site is within the Carysfort Maretime stream catchment;
- to provide for the protection of downstream water quality a site management / maintenance company should be appointed post-construction phase to enter a service maintenance contract with an authorised, specialist company with responsibility for the maintenance of surface water infrastructure;
- discharge from dewatering or other construction activities should feature conservative suspended solids limits;
- precautions to restrict entry of solids to the existing surface water system should be undertaken with discharges compliant with regulatory requirements and a CEMP to address same;
- capacity needs to be available to cater for the development, with Ringsend WWTP noted to be operating at or above capacity until being fully upgraded in 2023;
- best practice measures should be implemented with respect to surface water and the 'Nature-based Solutions to the Management of Rainwater and Surface Water Runoff in Urban Areas Best Practice Interim Guidance Document' should be followed.

10.0 Planning Authority Submission

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

Principle, Zoning and Phasing

- the development is compatible with the zoning objectives;
- policy objective PHP28 does not support proliferation of build-to-rent developments in any one area, which refers to a ten-minute walk or cycle from a site;
- the proposed use of the site for a build-to-rent development is generally acceptable in principle and it would not result in a proliferation of such developments in the area;
- the 1,500-unit cap referenced in policy P7 of the Sandyford Urban Framework Plan is nowhere near reached;
- a 10% Part V agreement is acceptable, but may need reviewing given the Government's intention to phase out long-term leasing of social housing and the need for occupants of these units to access communal facilities and spaces;

Density

- the Sandyford Urban Framework Plan sets a residential density cap of 150 units per hectare for the subject site;
- the density would materially contravene the provisions of the Development Plan;
- there is not an issue with the density per se, it is the implications of this density on the carrying capacity of the area and the resultant quality of the scheme that would be problematic;

- the scale / quantum of development proposed would not accord with the density objectives of the Sandyford Urban Framework Plan;

Building Heights, Urban Design and Visual Impact

- the proposed building heights over eight storeys would exceed the building height limits of the Sandyford Urban Framework Plan and would fail to meet the building height strategy performance criteria required in the Development Plan;
- the proposed building heights and the limited setback positioning for blocks B and C over eight storeys along the Carmanhall Road streetscape would be overbearing, therefore, it is recommended that one floor to block B and two floors to block C should be omitted;
- the eastern ground level / undercroft area onto the new north-south aligned street would form a poor design response;
- in terms of urban design principles, concerns arising with respect to public realm (privacy) and parking could be addressed via conditions, however, concerns regarding connections (frontage to the new street and east-west overbridge) and layout (daylight and sunlight access) would not be surmountable via conditions;
- provision of own-door access to units and residents' amenity spaces are welcomed in activating the streetscape;
- the development, including pocket park, maintained trees and sense of enclosure arising, would make a positive contribution along the public streets and it would provide two new streets, although these new streets would not provide a high-quality public realm;
- the proposed brick mix and cladding materials would be of high quality and are well considered as they would require minimal ongoing maintenance;
- the façades design would be broken down by the introduction of vertical elements to avoid slab block effects;
- the maintaining of the category A trees in the northwest corner is welcomed, and despite the concerns expressed by the Parks Department, including the

loss of 11 trees of moderate value and quality, tree maintenance would be acceptable given the competing priorities and the provision of replacement trees, wildflower and other landscaping proposed;

- the proposed telecommunications and associated equipment, including their design and location, would not be of concern;
- if the Board are minded to grant permission, the fourth floor to block B and the fourth and fifth floors to block C should be omitted;

Residential Development Standards

- following a draft Ministerial Direction, the Planning Authority was requested to delete certain provisions in the Development Plan, including the first paragraph of section 12.3.3 referring to a percentage of three-bedroom units needing to apply in build-to-rent developments;
- the proposed mix is considered acceptable based on SPPR 8 of the New Apartment Guidelines, although a greater mix of larger units would have been preferred;
- the provision of 40% dual aspect units in the scheme would materially contravene the Development Plan, given that the entire county area is classified as a suburban or intermediate location, in line with the New Apartment Guidelines definitions, where a minimum 50% provision of dual aspect units is required;
- the apartment floor areas, floor to ceiling heights, lift and stair core access and internal storage spaces meet or exceed the provisions of the New Apartment Guidelines;
- car parking within the scheme could be omitted to provide external storage space for bulky items;
- reflectance levels used by the applicant for their Daylight and Sunlight Analysis Report are quite high (82% for ceilings, 62% for walls and 36% for floors), while no calculations of probable sunlight hours, skyline or target illuminance based on the Irish Standard (IS 17037:2018) has been provided;

- if buildings were of heights allowed for in the Framework Plan, there would be improvements in daylight to the apartments;
- the extent of dual aspect units and lighting would lead to substandard amenities for future occupants of the scheme;
- the private amenity space for 11 apartments, including the three-bedroom unit, 2 one-bedroom units (type 10), one-bedroom unit (type 09) and studio apartment (type 03), would fail to comply with the Development Plan and New Apartment Guidelines provisions;
- given the 9m separation distance between residential units in blocks B and C, secondary living-room windows serving units should be fitted with opaque glazing;
- the privacy for the terrace space serving the own-door unit onto Ravens Rock Road can be addressed via an increased separation between the western elevation and the public footpath;
- the provision of 2sq.m per unit of residents' support facilities and services would not comply with section 12.3.6 of the Development Plan, as 5sq.m per unit would be more satisfactory and as residents' support facilities, such as laundry, concierge or management areas, have not been provided. A condition would be necessary to address this with 620sq.m additional floorspace required to be allocated in this regard;
- the development would require 855sq.m of public open space with 438sq.m provided for in the form of a pocket park. The Development Plan allows for contributions in lieu of a shortfall in public open space, however, as the Parks Department has not recommended same, it is not considered that a condition to address same can be attached if permission is granted;
- the development would require 1,101sq.m of communal open space with 1,475sq.m in total provided at courtyard podium level and in two roof gardens in compliance with Development Plan standards and the New Apartment Guidelines;
- a condition should be attached requiring the applicant to submit details of the primary area of public open space to be taken in charge;

- separate play areas for toddlers and older children should be provided, with such spaces to be provided in the courtyard space only;
- the communal open spaces would receive sufficient lighting;
- boundary treatments for the roof terraces should be provided for noise mitigation and residential amenities;
- a condition is required to ensure that the management company monitor and control potential noise disturbance arising from the use of the roof terraces;
- the proposed childcare facility would be appropriate and should be provided with five undercroft car parking spaces;
- the applicant has demonstrated regard for the relative energy cost and expected embodied carbon emissions over the lifetime of the development;
- wind / microclimate concerns for private amenity spaces, as well as public and communal space, would not arise based on the information provided with the EIAR;

Neighbouring Amenities

- the 11m to 14m separation distance between proposed blocks A and C, and the masterplan blocks potentially proposed to the east of the site in the Avid Technology site, would be unacceptable;
- sunlight and skylight would not be a problem for the existing commercial buildings surrounding the site, although there are significant concerns given the absence of consideration for the future development potential of zoned lands in the area;

Access, Traffic and Parking

- the east-west road off Ravens Rock Road would effectively be a car park access ramp without a footpath, and it would not form a 'green street' as referenced by the applicant;
- east to west pedestrian movement through the site would be impeded by the 2m-high mesh fence along the meridian of the north-south aligned shared-access road;

- the streetscape along the north-south access road would represent a poor form of urban design, lacking surveillance onto the street;
- the east-west link bridge represents a substandard aspect of the proposals from an urban design and permeability perspective;
- a section 48(2)(c) special development contribution condition would not be necessary for the works along the public road / realm, but supplementary section 49 development contributions would apply;
- a condition should be attached to ensure that the development does not conflict with the Sandyford cycle improvement scheme measures along Carmanhall Road, which is subject of a Part 8 application;
- concerns regarding access arrangements would be insurmountable and permission should be refused, as per the Transportation section comments;
- a maximum parking requirement for 137 car spaces would arise for this development based on Development Plan provisions for this area;
- taking into consideration the stated need to reduce the building heights, the proposed car parking provision should be reduced to 65 spaces and four car-share spaces, although the use of an undercroft car park would be unacceptable;
- further details of car parking, including car club spaces, mobility spaces and electric-vehicle charging equipment would be necessary;
- the provision of 240 cycle parking spaces falls short of the 248 and 311 spaces respectively required in the Council's 'Standards for Cycle Parking and Associated Cycling Facilities for New Developments' and the New Apartment Guidelines, with concerns arising with respect to the design and location of these spaces, including details of the short-stay cycle parking spaces;
- conditions with respect to taking-in-charge areas and the location of cycle parking should be attached, with the public open space area required to be continually accessible by the public;

Other Matters

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

Conclusion, Recommendation and Statement

10.1.1. The Chief Executive Officer from the Planning Authority concludes that permission should be refused to be granted for the proposed strategic housing development for six reasons, which can be summarised as follows:

Reason 1 – substandard urban design solution arising from the lack of definitiveness for the overbridge to the adjoining site, the frontage treatment along the north-south access route and the quality of the east-west access route;

Reason 2 – excessive density relative to the Framework Plan provisions;

Reason 3 – shortfall in dual aspect units based on Development Plan provisions;

Reason 4 – shortfall in private amenity space based on Development Plan provisions;

Reason 5 – excessive overlooking impeding the development potential of adjoining sites to the east;

Reason 6 – substandard access arrangements, internal layout and parking arrangements.

10.1.2. Should the Board decide to grant permission, the Chief Executive Officer's report suggests attaching 50 conditions, the following of which are of note:

Condition 5(a) – phasing plan for the pedestrian bridge;

Condition 5(b) – details of the pedestrian bridge design;

Condition 5(c) – the fourth floor to block B and the fourth and fifth floors to block C shall be omitted in their entirety. The maximum permitted height of the apartment blocks shall be eight floors;

Condition 5(d) – provide communal build-to-rent services, facilities and amenities to address the 620sq.m shortfall identified;

Condition 5(e) – a minimum 1.5m setback to the ground-floor apartment from the public path shall be provided;

Condition 5(f) – details of opaque glazing;

Condition 7 – barriers to roof terraces;

Condition 16 – green-roof provisions;

Condition 22 – submit a stage 2 stormwater audit;

Condition 26 – address car parking space provisions;

Condition 27 – submit visitor cycle parking location, design and access details;

Condition 31 – submit a quality audit;

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

Condition 45 – submit details of play areas.

10.2. Inter-Departmental Reports

- Drainage Report – generally satisfied with the proposals;
- Parks and Green Infrastructure Division – refusal of planning permission recommended;

- Transportation Department – permission should be refused due to access concerns, with conditions recommended where issues arise;
- Housing Department – submission noted, and recommendations stated;
- Environmental Health Officer – further information is required with respect to baseline noise surveys and impacts of demolition and construction phases, including cumulative impacts with the adjoining project;
- Environmental Section – noise and vibration planning for the proposed works are seriously deficient, and the project fails to mitigate the impacts of noise, dust and vibration during the construction and operation phases.

10.3. Elected Members

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

- the development is welcomed, including residential use in this part of Sandyford, the pedestrian bridge, tree retention, open spaces, unit numbers and building height;
- concerns raised regarding the dual aspect provision, visitor car parking, roof gardens, unit mix and residential capacity of the Sandyford area on standalone sites;
- excessive parking is proposed;
- parking for construction vehicles and loading bays should be provided;
- cycle lanes, paths or verges should not be obstructed.

11.0 Prescribed Bodies

11.1. The following comments were received from prescribed bodies:

Uisce Éireann

- wastewater – is feasible without an infrastructure upgrade. At present, there is capacity in the network on Arkle Road to accommodate the proposed development. Separate storm and foul water connections would be necessary;
- water supply – is feasible without an infrastructure upgrade, with a connection feasible to the 14-inch asbestos main on the northern side of the site;
- the developer would be responsible for the design and construction of infrastructure within the site;
- conditions are recommended, including those relating to connections and agreements, and compliance with Uisce Éireann standards, codes, and practices.

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

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

12.0 Assessment

12.1. Introduction

12.1.1. This assessment considers the proposed development in the context of the statutory plan for the area, as well as national policy, regional policy and relevant guidelines, including section 28 guidelines. Having regard to the documentation on file, including the application submitted, the contents of the Chief Executive Officer's report received from the Planning Authority, issues raised in the observations to the application, the planning and environmental context for the site, and my visit to the

site and its environs, I am satisfied that the substantive planning issues arising for this assessment can be addressed under the following headings:

- Development Principles;
- Density and Unit Numbers;
- Urban Design and Building Heights;
- Impacts on Neighbouring Amenities;
- Residential Amenities and Development Standards;
- Traffic and Transportation;
- Services and Drainage;
- Procedural Matters;
- Material Contraventions.

12.1.2. From the outset I note that the applicant lodged the subject application to An Bord Pleanála on the 14th day of April, 2022, prior to the Dun Laoghaire-Rathdown County Development Plan 2022-2028 coming into effect on the 21st day of April, 2022. The application documentation, including the Material Contravention Statement, addresses the provisions of the previous 2016-2022 Development Plan for this area and the Dun Laoghaire-Rathdown County Development Plan 2022-2028, which had been adopted in its final form at the time of lodging the application to the Board. The five-week public consultation period, in which responses could be received by the Board regarding the application, overlapped with the period when the Dun Laoghaire-Rathdown County Development Plan 2022-2028 was in effect and, accordingly, this allowed all parties to make submissions based on the provisions of the current statutory plan for this area. The Chief Executive Officer's report refers to various provisions in the Dun Laoghaire-Rathdown County Development Plan 2022-2028. I am satisfied that all parties to the application and the general public had sufficient scope to address the current Development Plan for this area in submissions to the Board regarding the application.

12.1.3. Observers refer to provisions with respect to a local area plan, however, while I note the Sandyford Urban Framework Plan that is appended to the Development Plan and a masterplan submitted as part of the application, I am not aware of a local area

plan relating to the application site or its immediate area. With respect to the consideration of various aspects of the development, the Development Plan frequently states that regard should be given to the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009), including the associated Urban Design Manual. These Guidelines have recently been replaced by the Sustainable Settlements Guidelines and reliance is placed on these new Guidelines in my assessments below where the Development Plan refers to the replaced Guidelines and the associated manual.

12.2. Development Principles

Strategic Housing Definition

- 12.2.1. The proposed buildings would comprise a stated 12,985sq.m of residential and ancillary residential floor space with only 306sq.m of non-residential floor space proposed, representative of 2.3% of the overall floorspace. It is also proposed to demolish 1,614sq.m of existing commercial / office floor space as part of the proposed development, and this would not form functional floor space in the new development. Accordingly, I am satisfied that the 4,500sq.m or 15% overall floor area limitations for non-residential uses, as set out in section 3 of the Act of 2016, would not be exceeded as part of the proposed development, and I am satisfied that the proposed development featuring 207 build-to-rent residential units would come within the statutory definition of a 'strategic housing development'.

Land-Use Zoning Objectives

- 12.2.2. The site is within the area covered by the Sandyford Urban Framework Plan, which is appended to the Dun Laoghaire-Rathdown County Development Plan 2022-2028. Specific development standards with regards to the application site and aspects of the subject proposals are included in the Framework Plan and considered in the various sections below.
- 12.2.3. Based on map sheet 6 appended to the Development Plan, the area of the application site proposed to be developed for build-to-rent residential accommodation, features a land-use zoning 'A2', with a stated objective 'to provide for the creation of sustainable residential neighbourhoods and preserve and protect residential amenity'. The Planning Authority refer to a section of the site along the

northern boundary as featuring a land-use zoning 'F', with an objective 'to preserve and provide for open space with ancillary active recreational amenities'. However, this is not the case.

- 12.2.4. According to the Development Plan, open for consideration uses on lands with a zoning objective 'A2' include 'residential – build to rent' uses, while childcare services are permitted in principle on 'A2' zoned lands. According to the Development Plan, an open for consideration use may be permitted where the Planning Authority is satisfied that the proposed development would be compatible with the overall policies and objectives for the zone, where it would not have undesirable effects, and where it would otherwise be consistent with the proper planning and sustainable development of the area. Provision of built-to-rent apartments replacing existing commercial / office buildings within an area predominated by commercial uses, in my opinion would aid in enabling the creation of a sustainable residential neighbourhood in this area, in compliance with the stated 'A2' land-use zoning objective. Accordingly, I am satisfied that the proposed uses would comply with the land-use zoning objectives for the site.
- 12.2.5. The maps accompanying the Development Plan also identify an objective 'to protect and preserve trees and woodlands' in the northwest and southwest corners of the application site and I consider the proposals with respect to these objective in section 12.4 below.

Demolition Works

- 12.2.6. Details of the buildings on site to be demolished are included in the application package (see drawing nos. 1081-MDO-TS-XX-DR-A-03001, 03002 and 03003). The observers and the Planning Authority do not object to the demolition of these existing buildings. The Development Plan sets out that where existing buildings cannot be incorporated into a new layout and the development facilitates a significant increase in density, their demolition may be acceptable. I note that the proposed development would incorporate a significant increase in the development density for the site, the scale of which would only be achievable with the removal of the existing low-rise buildings, which cover an extensive area of the site. I also note that the existing buildings on site are not Protected Structures and they do not have any conservation status. In conclusion, in providing for sustainable redevelopment of the

site, removal of the buildings would not be contrary to the provisions of the Development Plan. A Resource and Waste Management Plan has been submitted with the application. A standard condition can be attached in the event of a grant of permission for the proposed development to require a final Resource and Waste Management Plan to be submitted and agreed with the Planning Authority prior to the commencement of any of the subject demolition works on site, based on the provisions of the Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects' (Environmental Protection Agency, 2021).

Build-to-Rent

- 12.2.7. The updates of the New Apartment Guidelines dating from December 2022 onwards no longer recognise build-to-rent schemes as a distinct category in relation to residential amenity standards, although section 5.7 of the most recent 2023 version of the Guidelines acknowledge the role of build-to-rent schemes in housing supply and in promoting compact urban form. The 2023 version of the New Apartment Guidelines confirm that transitional arrangements apply for strategic housing development applications proposing build-to-rent units that were in the planning system prior to the 21st day of December, 2022, providing for such applications to be subject of the provisions in the 2020 version of the New Apartment Guidelines. Given the timelines for the subject application, the standards set out in the New Apartment Guidelines dating from 2020 are applicable, including SPPRs 7 and 8, and it is these Guidelines that the Board must have regard to when decided upon the subject application, and not the 2022 or 2023 versions of the Guidelines. I am satisfied that the principle of the application in providing build-to-rent apartments on this site would not be contrary to Government guidance. The applicant has submitted a draft build-to-rent covenant with their application, in compliance with the provisions of SPPR 7(a) of the New Apartment Guidelines and a finalised covenant or legal agreement can be requested as a condition in the event of a grant of planning permission for the proposed development.
- 12.2.8. The observers state that the scheme should not be permitted having regard to the build-to-rent development standards contained in the draft Dublin City Development Plan 2022-2028, as well as the oversaturation of build-to-rent developments in Dublin. As noted above, the operative Development Plan for this area is the Dun

Laoghaire-Rathdown County Development Plan 2022-2028, which describes build-to-rent development as the practice of delivering purpose-built, residential-rental accommodation and associated amenity space that is designed with the sole purpose of being used as long-term rental accommodation, as well as being professionally-owned and managed by an institutional landlord.

12.2.9. Policy objective PHP28 of the Development Plan aims to facilitate the provision of build-to-rent developments in suitable locations across the County based on the provisions of the New Apartment Guidelines, while avoiding a proliferation of such developments in any one area. In their submission the Planning Authority assert that reference in this policy objective to ‘any one area’ refers to a ten-minute walk or cycle from the site. A ten-minute walk time from the application site would generally encompass the Sandyford business park area, which I consider a reasonable interpretation of the ‘area’ immediate to the application site. In my opinion, a ten-minute cycle from the application site would encompass an overly-extensive area beyond the immediate environs of the site and in the wider area generally served separately to the Sandyford business park area. The Development Plan also requires build-to-rent development to be located within a ten-minute walk time from high-frequency public transport routes, which I am satisfied to be the case for the subject site (see section 12.3 below).

12.2.10. When reviewing the proposed development against policy objective PHP28, based on the extent of existing and permitted build-to-rent apartments in this area, the Planning Authority did not consider that it would result in a proliferation of such developments in the immediate area. The Planning Authority refer to two permitted developments in the immediate area, one of which (ABP ref. 311540-21) does not refer to a build-to-rent scheme. Consequently, the Planning Authority only refers to 564 permitted build-to-rent apartments in this area (ABP ref. 305940-19). I am aware of one other permitted build-to-rent development in the area (ABP ref. 311722-21) providing for 190 build-to-rent apartments, while there is another application under consideration by the Board (ABP refs. 313209-22) potentially providing for an additional 101 build-to-rent apartments in this area. When considering the specificity of the aforementioned Department Circular ending provisions for build-to-rent developments, given the present permitted stock of build-to-rent apartments in the immediate area, as well as the potential additional units in

this subject application, providing for a potential cumulative total of 1,062 build-to-rent units, and considering the extent of housing units achievable in this area, as well as existing standard apartment types in this area, I am satisfied that the scale of build-to-rent apartments on this site would not result in a proliferation or an oversaturation of such schemes in the area immediate to the application site. Accordingly, permission for the proposed development should not be refused for reasons relating to policy objective PHP28 of the Development Plan.

Phasing

12.2.11. Sandyford Urban Framework Plan includes seven phasing objectives, five of which relate to commercial development on other Framework Plan lands, and one of which relates to the need for developments to be confirmed to be feasible by Uisce Éireann, a matter that I address further below in section 12.8 of this report. Phasing objective 7 of the Sandyford Urban Framework Plan aims to ensure the orderly development of the area, stating that no additional apartment development will be permitted that exceeds 1,500 units (cumulative total) until there is planning permission for the Sandyford Business District Civic Park at the corner of Corrig Road and Carmanhall Road. Such an imposition for the subject applicant would be dependent on others, as based on the information submitted the applicant does not have control of the land at this neighbouring corner site. Notwithstanding this, when making their submission in May 2022, the Planning Authority did not consider this 1,500-unit cap to have been reached, primarily as the Sandyford Urban Framework Plan had only been adopted in the previous month.

12.2.12. I have reviewed the Council's Planning Register and I am not aware of a planning application for the aforementioned Sandyford Business District Civic Park. Furthermore, since adoption of the Framework Plan as part of the Development Plan in April 2022, I am only aware of one recent major residential grant of planning permission within the Sandyford Urban Framework Plan area (ABP ref. 318255-23 / DLRCC LRD23A/0505), and this provides for a maximum of 110 apartments in The Sentinel building approximately 450m to the northwest of the application site. The other permitted residential developments, as referenced by the Planning Authority and in section 4 of my report, were not permitted in the interim period after the adoption of the Development Plan. Consequently, the proposed development would

not appear to conflict with the phasing objectives of the Sandyford Urban Framework Plan.

12.2.13. The applicant states that the proposed development would be constructed in one phase and that the development would be likely to be constructed concurrently with the adjoining Avid Technology site, including the footbridge feature connecting between the sites. The applicant's AA Screening Report and EIAR refer to a two-year timeline for the construction phase of the project, while their Flood Risk Assessment refers to a three-year timeline. Permission was recently refused by the Board for a build-to-rent residential development on the adjoining Avid Technology site (ABP ref. 314523-22), and in refusing permission the Board noted that both sites could be developed independent of each other, albeit subject to conditions. The applicant has provided a masterplan drawing (no. 1081-MDO-TS-XX-DR-A-05003) for the subject site development and the development refused permission on the Avid Technology site. I am satisfied that the proposed development would be capable of being constructed independent of a development on the adjoining Avid Technology site, and a condition with respect to the phased delivery of the development, including the footbridge connection, which I note the adjoining landowner to support, would be appropriate to attach in this case.

Social Housing

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

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

applicant sets out that 10% of the units within the scheme would be leased over a long-term period to meet the Part V housing requirement. This would be complied with via the leasing of 20 apartments on site in a mix of four studio, ten one-bedroom and six two-bedroom, four-person apartments. The Planning Authority acknowledge the details submitted, noting the Government's proposals to phase out long-term leasing of social housing, while requiring a final Part V agreement to be entered into as a condition in the event of permission being granted.

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

Conclusion

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

12.3. Density and Unit Numbers

- 12.3.1. Comprising 207 units on a net site area of approximately 5,676sq.m, which excludes the public footpaths and the area associated with the additional piped services under the public roads, and when accounting for the proportion of the non-residential floor area of the development (2.3%), based on the approach set out in the Sustainable Settlements Guidelines the proposed development would feature a net density of 373 units per hectare. Observers assert that the proposed density of the scheme would materially contravene the provisions of both the Development Plan and the Framework Plan, and that it cannot be justified under section 37(2) of the Act of 2000 or section 28 guidelines. The Planning Authority consider the overall proposed density to be inappropriate for the site based on the provisions of the Sandymount Urban Framework Plan allowing for 150 units per hectare on this site, and,

accordingly, they consider the proposed development to materially contravene this aspect of the Development Plan. The Planning Authority assert that the failure to meet specific density provisions is not the problematic element of the development, it is the impact of this density on the carrying capacity of infrastructures in the area and the implications of this density for the quality of the scheme.

- 12.3.2. The applicant accepts that the density of the proposed scheme would materially contravene the provisions of the Framework Plan, however, they consider this density to be appropriate having regard to the provisions of the New Apartment Guidelines, the Building Heights Guidelines, the RSES, the National Development Plan 2018-2027, the NPF, the stated since revoked Sustainable Residential Development Guidelines, as well as the quality of the development, the pattern of development in the area and other related provisions in the Development Plan.
- 12.3.3. When compared with residential densities in the immediate environment, the proposed density would be much higher than the density of development within the subject urban block. The recently permitted Sentinel building fit-out would achieve a residential density of approximately 275 units per hectare (ABP ref. 318255-23), while the Rockbrook Central site (ABP ref. 304405-19) features a density of 255 units per hectare and the Sandyford Central site (ABP ref. 305940-19) features a density of 365 units per hectare.

Local Policy

- 12.3.4. Policy objective PHP18 of the Development Plan seeks to increase housing supply and promote compact urban growth through the consolidation and re-intensification of infill / brownfield sites having regard to proximity and accessibility considerations, as well as development management criteria. This policy objective also sets out to encourage higher residential densities, subject to proposals providing for high-quality design while protecting existing residential amenities and the established character of surrounding areas. The Development Plan states that residential development should exceed a net value of 35 units per hectare and in determining residential densities, regard should be given to the aforementioned Sustainable Residential Development Guidelines and the associated Urban Design Manual. Within a ten-minute walk of Luas lines and in a range of other locations, the Development Plan encourages net densities of greater than 50 units per hectare. Objective 'A2 1' of the

Framework Plan aims to ensure that the residential neighbourhoods in Sandyford are developed at a density that is in accordance with the density provision set out in Map 2, which allows for up to 150 units per hectare on the application site. To achieve a net density strictly in line with the provisions of the Framework Plan, based on the application site net area and the proposed use mix, a maximum of 83 residential units could only be accommodated on the application site.

National and Regional Policy

- 12.3.5. In terms of the national policy context, the NPF promotes the principle of ‘compact growth’ at appropriate locations, facilitated through well-designed, higher-density development. Of relevance are NPOs 33 and 35 of the NPF, which prioritise the provision of new homes at appropriate scales and increased densities through a range of measures. The NPF signals a shift in Government policy towards securing more compact and sustainable urban development within existing urban envelopes. It is recognised that a significant and sustained increase in housing output is necessary. The RSES for the region promotes compact urban growth in this metropolitan area, where substantive delivery of new homes for the region is targeted. RPO 3.3 of the RSES for this region requires increased densities, in line with the provisions set out in the Building Heights Guidelines and the New Apartment Guidelines.
- 12.3.6. The Building Heights Guidelines state that increased building height and density will have a critical role to play in addressing the delivery of more compact growth in urban areas and that this should not only be facilitated but should be actively sought out and brought forward by our planning processes, in particular by Local Authorities and An Bord Pleanála. These Guidelines caution that due regard must be given to the locational context and to the availability of public transport services and other associated infrastructure required to underpin sustainable residential communities.
- 12.3.7. The New Apartment Guidelines note that increased housing supply must include a dramatic increase in the provision of apartment development to support ongoing population growth, a long-term move towards a smaller average household size, an ageing and more diverse population with greater labour mobility, and a higher proportion of households in the rented sector. The Guidelines address in detail locations for increased densities by defining areas in cities and towns that may be

suitable, with a focus on the accessibility of a site by public transport and proximity to city / town / local centres or employment locations. Suitable locations stated in the Guidelines include 'central and / or accessible urban locations', 'intermediate urban locations' and 'peripheral and / or less accessible urban locations'. The Guidelines also state that 'the range of locations is not exhaustive and will require local assessment that further considers these and other relevant planning factors'.

12.3.8. The Sustainable Settlements Guidelines promote increased residential densities and the utilisation of a tiered approach in identifying appropriate densities for settlements, with density ranges for the city centre, urban neighbourhoods and suburbs of Dublin city set out in table 3.1 of the Guidelines. There is a general presumption in these Guidelines against net densities exceeding 300 units per hectare and such densities are only open for consideration on a plan-led basis and where the opportunity for densities and building heights greater than prevailing densities and building heights is identified in a statutory plan.

12.3.9. The density range suitable for a site should be considered and refined according to these Sustainable Settlements Guidelines, with densities at the higher end of the ranges suitable for the most central and accessible locations relative to public transport provision, including locations within 1km walking distance of an existing or planned high-capacity, urban public transport node or interchange, high-frequency commuter rail, light rail and MetroLink services, or locations within 500m walking distance of an existing or planned BusConnects 'Core Bus Corridor' stop.

Access to Public Transport

12.3.10. The site is situated within a five-minute walk and a 350m and 550m walk respectively from the Stillorgan and Sandyford stops along the greenline Luas. The site is also within a 500m walk of stops served by Dublin bus and Go Ahead public bus routes 11, 47, 75a, 114, 116 and 118. Private bus services also operate in this area.

12.3.11. According to the New Apartment Guidelines, 'central and / or accessible urban locations' include sites within walking distance (i.e., less than a 15 minute or 1.5km walk) from a principal city centre, or significant employment locations, which may include hospitals and third-level institutions. Sandyford business park comprises a host of major companies in the ICT, healthcare, financial and professional services sectors, therefore, the site is clearly within walking distance of a significant

employment location. Central and / or accessible urban locations also include sites within reasonable walking distance (i.e. less than a ten-minute or 1km walk) from a high capacity urban public transport stop, such as Luas, or sites within easy walking distance (less than a five-minute or 500m walk) from high-frequency urban bus services. The site would be within reasonable walking distance of Stillorgan Luas stop and within easy walking distance of several urban bus services. The Sustainable Settlements Guidelines and the New Apartment Guidelines define high-frequency services as those featuring services at least every ten minutes during peak hours. The frequency of bus services within a five-minute walk from the site can be considered to be high based on the timetabled services available publicly and referenced in the application documentation.

- 12.3.12. Within their Traffic and Transport Assessment, the applicant has asserted that there is capacity in the greenline Luas services to cater for the proposed development based on information available from the National Transport Authority, the scale of the proposed development (including the likely modal split) and an assessment of the frequency of services and capacity of trams. Measure LRT9 of the Transport Strategy for the Greater Dublin Area 2022-2042 sets out that during the period of this strategy, it is intended to deliver significant additional capacity on the Luas greenline through the provision of additional fleet and necessary infrastructure to meet forecasted passenger demand. The National Transport Authority has not commented following consultation on the application, and no parties to the application have highlighted any concerns regarding capacity issues on the Luas greenline.

Location Category

- 12.3.13. Table 3.8 of the Sustainable Settlements Guidelines defines lands around existing or planned high-capacity public transport nodes or interchanges as including lands within 1km-walking distance of an interchange or node that includes DART, high-frequency commuter rail, light rail or MetroLink services, or lands within 500m walking distance of an existing or planned BusConnects 'Core Bus Corridor' stop. Based on the proximity and accessibility criteria referenced above, in particular the proximity to Stillorgan Luas stop, I am satisfied that the application site can be considered to fall into the category of a site located within an urban neighbourhood of Dublin city. Table 3.1 of the Sustainable Settlements Guidelines states that it is a

policy and objective for net densities in the range of 50 to 250 units per hectare to be supported in locations such as this. The proposed development is, therefore, not within the range of densities supported by the Sustainable Settlements Guidelines for this site. Arising from the omission of three floors in the development (blocks B and C), as requested by the Planning Authority to address height restrictions and overbearing impacts, this would result in a density of 337 units per and would not bring the development in line with the appropriate density provisions of the Sustainable Settlements Guidelines. To achieve a net density strictly in line with the provisions of the Sustainable Settlements Guidelines, based on the application net site area and the subject proposals featuring 2.3% non-residential floorspace, the application site could only accommodate a maximum of 138 residential units.

12.3.14. According to the New Apartment Guidelines, 'central and / or accessible urban locations' include sites within reasonable walking distance (i.e., less than ten-minute walk or 1km distance) from a high capacity urban public transport stop, such as Luas, or sites within easy walking distance (less than a five-minute walk or 500m distance) from high-frequency urban bus services. I am satisfied that based on the details presented by the applicant, the future occupants of the proposed development would be within a reasonable walking distance of a high-capacity urban public transport stop and within easy walking distance of a high-frequency urban bus service. The Planning Authority refer to section 12.3.5.1 of the Development Plan, which classifies the entire Dun Laoghaire Rathdown area as a suburban or intermediate location. Arising from the local assessment above, this would clearly not be the case for the subject site, as it would most appropriately fall into the category of a 'central and / or accessible urban location' based on the New Apartment Guidelines.

Unit Numbers

12.3.15. Sandyford is identified within the Development Plan as a 'mixed-use district' comprising between 96 and 116 hectares where there is significant opportunity for the redevelopment and intensification of brownfield lands. The core strategy for the county identifies demand for 18,515 residential units over the period of the Plan, with 4,571 units to be catered for on infill or windfall sites that were not subject of a permission during preparation of the Plan, such as the lands in Sandyford. In relation to neighbouring developments and proposals, I am not aware of any extant

permission for the adjacent IVM House site, although I am aware of an application for 101 apartments on this site (ABP ref. 313209-22). In relation to the Avid-Technology site I note that an application for development of 334 build-to-rent apartments was recently refused permission by the Board (ABP ref. 314523-22) and the only live permission for this site relates to a 706-bed space student accommodation facility (ABP ref. 303467-19) permitted in 2019 and expiring in mid-2024. Other developments in the area are referenced in section 12.2 of my report when addressing phasing matters.

12.3.16. The Framework Plan sets out that any additional residential development to be permitted over the lifetime of the Development Plan should take place on the 'A2' zoned land, including the application site, which would fall into the 'Carmanhall Road Neighbourhood' forming part of zone 5 to the Framework Plan. Notwithstanding ongoing and recent developments in the Framework Plan area, in particular to the northwest of the site (such as Sandyford Central and Rockbrook), based on the information available, the subject proposals would not exceed any unit provisions allowed for in the Framework Plan or the Development Plan. Information to the contrary has not been presented or furnished to me as part of the consideration of this application. Accordingly, I am satisfied that the proposed development would not contravene the unit numbers envisaged for this area in the Development Plan.

Density Conclusion

12.3.17. The statutory plan for this area sets out definitive minimum and maximum densities for this site of between 35 and 150 units per hectare, while highlighting the need to have regard to the density provisions outlined in guidelines such as the New Apartment Guidelines. The proposed development would materially contravene the density provisions in the Development Plan. As stated, the applicant has addressed this in their Material Contravention Statement and, accordingly, it is open to the Board to consider the proposal under material contravention procedures, a matter that I address in section 12.10 below.

12.3.18. The Sustainable Settlements Guidelines support densities in the range of 50 to 250 units per hectare in this urban neighbourhood to Dublin, and there is not a statutory plan-led provision in the Development Plan or the Framework Plan for densities to exceed this range or the 300 units per hectare cap stated in the Sustainable

Settlements Guidelines. To comply with the density range applicable based on the Sustainable Settlements Guidelines, at least 69 apartments would need to be omitted from the proposed buildings and a condition to this effect would be necessary, otherwise the proposed development should be refused permission based on the density of the development being excessive for this site.

12.4. Urban Design and Building Heights

- 12.4.1. The proposed development layout, massing, design and building height is considered in this section in terms of the urban design quality of the proposed development. Sections 4.2.1 and 4.4.1 of the Development Plan set out the key guidance documents in relation to the primary concepts and policy objectives shaping new urban residential developments in the Dun Laoghaire-Rathdown area, including reference to the DMURS. Policy and objective 4.2 of the Sustainable Settlements Guidelines set out key indicators for urban design and placemaking provisions to be applied in statutory plans, as well as individual applications. The Planning Authority welcome aspects of the development, while expressing their concerns in relation to the scale of the subject proposals, which they consider to be excessive and inconsistent with the provisions of the Sandyford Urban Framework Plan.

Layout and Design

- 12.4.2. Policy objective PHP44 of the Development Plan requires a statement with a residential development application to outline how proposals respond to urban design criteria. The applicant has provided a variety of material to attempt to rationalise their development designs, including an Architectural Design Statement and a set of Verified Photomontages. Section 2.4 of the applicant's Architectural Design Statement sets out the key urban design principles shaping the proposed scheme, featuring three blocks enclosing a central courtyard with a pocket park onto the northwest corner and new streets running along the southern and eastern boundaries. The main pedestrian access to the central courtyard would be off Ravens Rock Road, with the proposed buildings to be constructed adjoining the existing public footpath running parallel to the carriageway, inside a landscaped verge. The primary proposed vehicular access to an undercroft and basement

service area would be provided off Ravens Rock Road, with the vehicular exit via the new street onto Carmanhall Road.

- 12.4.3. Objective 'A2 5' for zone 5 of the Framework Plan area, requires a setback of the building line along Carmanhall Road to protect the existing sylvan character and to provide a buffer from the employment uses opposite. Drawing 8 of the Framework Plan refers to design principles and character areas, including an indicative building footprint on the application site with a building footprint setback along the northwestern corner onto the junction of Carmanhall Road and Ravens Rock Road. The layout allows for several mature trees on the northwest side of the site to be maintained and protected. The building footprint in drawing 8 of the Framework Plan would suggest an access route along the eastern boundary of the site in a location similar to the one-way vehicular route proposed by the applicant. I am satisfied that the development layout is logical fitting in with the established grain of the area, with the buildings overlooking the existing public realm and generally following the approach set out in the Framework Plan.
- 12.4.4. The Planning Authority welcome the provision of own-door residential units and residents' amenity spaces at ground floor on the frontage of the proposed blocks onto Carmanhall Road and Ravens Rock Road, as this design element would activate the streetscape. Concerns are expressed with respect to the proximity of terraces forming private amenity spaces to the existing public footpath along Ravens Rock Road, however, as acknowledged by the Planning Authority, this could be readily resolved via condition requiring the provision of landscaping to form defensible space, as well as a revised orientation for the terraces and provision of vertical screens. This would be a matter that would need to be addressed via condition in order to safeguard the amenities of future occupants of the respective ground-floor own-door units and to comply with the New Apartment Guidelines.
- 12.4.5. The New Apartment Guidelines require entrance points to buildings to be clearly indicated, well lit, and overlooked by adjoining dwellings. The proposed entrance to block B would be directly off Ravens Rock Road, while the entrances to blocks A and C would be via the ramped and stepped access separating blocks A and B. The proposed entrances appear reasonably well overlooked, although the primary access to block C through the central courtyard would most likely encourage future occupants to access this block by a secondary access, including the undercroft

parking area, particularly when approaching the development from the northeast side along Carmanhall Road. A more legible, overlooked and convenient entrance should be provided for future residents of block C directly off Carmanhall Road. This could be addressed via condition in the event of a grant of planning permission.

- 12.4.6. The Planning Authority raise concerns regarding the treatment of the development onto the proposed perimeter access road, in particular the lack of activation along the street level on the north-south alignment of this route, which would flank onto the adjoining Avid Technology site. From the outset I wish to highlight that this is intended as a new street and not merely a secondary service access laneway, given the intention under masterplan proposals to mirror this access route on the Avid Technology site. When addressing the mix and distribution of uses, the Sustainable Settlements Guidelines encourage activation of outdoor spaces and the public realm to promote more liveable city and town centres, and with respect to responsive built form the Guidelines state that buildings should generally present well-defined edges to streets and public spaces to ensure that the public realm is well-overlooked with active frontages.
- 12.4.7. The proposed access route would drop gradually along the southern boundary of the site off Ravens Rock Road. Residential units along the southern elevation to proposed block C, including terrace and balcony spaces, would initially overlook this route when entering from the western side off Ravens Rock Road, however, as the route drops, 3m below the level of the ground-floor level apartments, overlooking of the route would dissipate with ancillary plant rooms, blank walls, an undercroft parking area, as well as an access and egress to the undercroft area, substantially limiting activation of the route along the eastern boundary of the site and in doing so creating an inactive street frontage.
- 12.4.8. I note that a residents' shared amenity room is proposed fronting onto this part of the perimeter access, although this would not be convenient from the main accommodation and it is unclear what purpose this room would actually serve. There is an inference in the applicant's Architectural Design Statement that it may be a concierge facility, which I am satisfied would offer limited activation of the streetscape. Overhead residential units on the northern and southern ends of the route (blocks C and A) would feature east-facing elevations with scope to directly overlook part of the street from the upper levels. As referenced in the masterplan

details submitted, the development that was proposed on the opposite side of the access route in the Avid Technology site would have presented similar uses at ground level onto this access route, however, this development has since been refused permission. The proposed childcare facility would be positioned along the northern end of this route providing the only street level activation of the route, with the vast majority of the 150m-long route not activated at street level. As such, I concur with the Planning Authority in concluding that this new street would not present an attractive, high-quality design or placemaking element to the proposals.

- 12.4.9. In relation to the proposed buildings, I note that they would feature regular rhythms and proportions, based on a limited palette of contemporary materials, including extensive off-white, medium-grey and light-grey brick, metal frames, cladding and spandrel panels, as well as various decorative and architecturally-defining elements. The Planning Authority consider the proposed buff brick and metal cladding materials to be of high quality requiring minimal ongoing maintenance, with the design of the building elevations broken down by the introduction of vertical elements to avoid slab block effects. The varying building elements, including stepped and recessed building heights and lines, as well as the building separation distances, including the 9m separation distance between blocks A and B onto Ravens Rock Road, would ensure that the buildings would not have an overly monolithic appearance along the primary road frontage, which is of substantive width (20m). Following the approach set out in the application, the Planning Authority is satisfied that the final materials can be addressed via condition in the event of a grant of permission for the proposed development. I am also satisfied with this approach, and I consider the design and general appearance of the proposed buildings onto the primary streets to be of a high standard and that they would have some benefits in improving the appearance of this developing mixed-use neighbourhood.

Public Open Space

- 12.4.10. The Development Plan defines public open space as being generally freely available and accessible to the public, and in the case of certain residential developments has, or is intended to be, 'taken-in-charge' by the Local Authority. The observers assert that the proposed provision of public open space would materially contravene the provisions of the Development Plan and the Framework Plan. In line with policy and objective 5.1 of the Sustainable Settlements Guidelines, table 12.8 of the

Development Plan sets out a requirement for 15% of sites to be provided as public open space in new residential developments, which the Planning Authority considers to amount to the need to provide 855sq.m of public open space on the application site as part of the subject development. Provision is made for a 438sq.m landscaped pocket park along the northwest corner of the site, which would feature a walkway, planting, lawns, natural play area and other equipment accessible from the adjoining public footpaths. This space would amount to 51% of the public open space required under the stated planning provisions and it would form an integral part of the design and layout of the development, safeguarding an area allocated for the protection and preservation of a group of trees.

12.4.11. The necessary quantum of public open space required to serve the development based on the Development Plan standards and the Sustainable Settlements Guidelines would not be achieved. In such scenarios the Development Plan and the Sustainable Settlements Guidelines allow for contributions in lieu of a shortfall in public open space. The Planning Authority did not consider this appropriate to request via the attachment of a condition to the permission, as their Parks Department had not recommended same. The Planning Authority state that a drawing indicating the area to be taken in charge following completion of the proposed development has not been provided with the application and they require the proposed public open space to be continually open to the public following completion of the development. The boundary treatment drawing (no.T-L1-101) submitted with the application illustrates that this proposed public open space would not be enclosed and would be accessible from the adjoining public footpaths. In response to the Board's opinion, the applicant states that no part of the site is intended to be taken in charge by the Planning Authority, as the lands within the applicant's ownership would remain under the site's private management.

12.4.12. With respect to the Development Plan definition of public open space, it can be stated that the proposed public open space would be freely available and accessible to the public, although it is not certain if the subject proposal is the type of residential development whereby the proposed public open space must be proposed to be taken-in-charge by the Planning Authority. Given the shortfall in public open space relative to the Development Plan provisions, including the 15% site area requirement, a condition requiring a contribution in lieu of a shortfall in public open

space would be necessary and warranted. With the attachment of a condition requiring the proposed public open space to be subject of landscape maintenance, freely available and permanently accessible to the public, a contribution in lieu of the shortfall arising (i.e. 49%) would be appropriate, and the public open space proposed would not materially contravene the provisions of the Development Plan.

Trees

12.4.13. By use of a 'tree' symbol, the maps accompanying the Development Plan identify an objective 'to protect and preserve trees and woodlands' on site, with two such tree symbols annotated on the northwest and southwest corners of the application site. I am not aware of any tree preservation orders applying to trees on this site. The applicant undertook a survey of the site identifying 15 trees or tree groups in the applicant's property, as well as ten street trees along the public realm, with birch (53%) and alder (21%) making up the vast majority of the trees identified. It is proposed to fell and remove three of the street trees, all of which were noted to be in good condition, in order to allow for vehicular access and egress to and from the site. These street trees to be removed are stated by the applicant to be Norwegian and Silver Maple of young to early mature age. The proposals would also feature the felling and removal of 51 trees on the southwest corner and along the southern and eastern boundaries of the site. Four trees would be maintained on the applicant's property as part of the proposals, and these would be situated in the location of one of the two stated tree symbols. These maintained trees in the northwest corner comprise three oak and a beech tree, which are stated to be in fair to good vigour and in early mature state. The applicant considers these trees to be the highest value trees on site. A young ash tree in good vigour with no visible defects, as well as a group of four mature birch trees in fair vigour and nine mature alder trees in good vigour are proposed to be removed from the southwest corner in the location of one of the tree symbols. Planting in the form of hedges, herbaceous mixes, lawn areas and 38 trees would be provided along the roads and access routes enclosing the site, as illustrated and listed on the submitted Landscape Plan drawing (no.T-L1-500).

12.4.14. Despite the loss of trees and the concerns expressed by the Parks Department, the Chief Executive Officer from the Planning Authority welcomes the maintenance of trees on the site. The Parks Department from the Planning Authority refer to the

need to attach conditions with respect to tree identification, tree protection, engagement of an arborist and the need for a security bond. Within their arboricultural assessment and the associated drawings, the applicant has provided detailed measures to be undertaken as part of the construction phase of the project, including tree protection measures, root protection zones and a construction method statement.

12.4.15. Section 12.8.11 of the Development Plan addressing 'existing trees and hedgerows' requires new developments to have regard to objectives to protect and preserve woodlands, clarifying that the tree symbols on the zoning maps may represent an individual tree or a stand of trees, and, as such, they do not represent an absolute commitment to preservation. Decisions regarding preservation will be subject to full arboricultural assessment, as well as other objectives. Commensurate planting or replacement planting is required under the Development Plan provisions where a development results in tree loss. Giving the flexibility provided in these Development Plan provisions, I am satisfied that the felling of trees, in a location identified as being subject of a tree protection / preservation symbol, would not necessarily represent a material contravention of the Development Plan.

12.4.16. The vast majority of the trees on the application site would be felled and removed as part of the subject proposals (see arboricultural impact drawing no.102). The trees in the northwest corner of the site (drawing no.102 refs. 1, 2, 3 and 4) would be protected and preserved in line with the Development Plan objectives for this area. The 37 perimeter and street trees (drawing no.102 refs. 5, 6, 7, G8, G9, G10, G14 and G15) to be removed would be replaced by a commensurate level of trees (38). In relation to trees in the southwest corner of the site (drawing no.102 refs. 11, G12 and G13), that are identified as a location in the Development Plan for tree protection and preservation, within the main body of the arboricultural assessment the applicant states that the removal of these trees is not considered a particularly significant impact as they have a reduced life expectancy due to their poor form. The applicant's arboricultural assessment refers to the group of mature alder in the southwest corner of the site as being closely planted with resultant reduced crown cover, and that these trees should only be considered for maintaining as part of a group. The individual tree assessment appended to the applicant's arboricultural assessment, notes that with the exception of the removal of ivy from the group of

birch no action is necessary for this group of mature alder and birch trees, as well as a young ash tree in this southwest corner. I accept reference to the group of trees primarily being mature, however, the information does not suggest the trees in the southwest corner of the site are in such a poor form or condition to justify their removal, particularly as this is compounded by the lack of a commensurate level of replacement trees.

- 12.4.17. Based on the information presented and available, I am satisfied that the applicant has not undertaken all reasonable measures to address the potential impacts to the trees to be protected and preserved and maintained on site in order to adequately address the tree / woodland preservation objective in the Development Plan for the southwest corner of the site. In conclusion, this element of the proposals represents a poor design response and placemaking aspect of the development, contrary to Development Plan provisions.

Public Lighting

- 12.4.18. Public lighting details are provided within the application, including the specifications and illumination levels for the lighting columns intended to be installed as part of the proposed development. The Site Lighting Report indicates the areas on site that would feature public lighting, and the levels of illuminance to these areas. The applicant's EIAR states that bat-sensitive lighting would be incorporated into the lighting proposals to establish minimal environmental and ecological impact through glare, sky glow and obtrusive light. As required by the Planning Authority, I am satisfied that final details of public lighting serving the development can be provided should the Board decide to grant permission for the proposed development.

Buildings Heights

- 12.4.19. The proposed development would feature a variety of building heights, with a maximum height of ten storeys or 34.2m above the immediate surface level for proposed block C. Block A would feature six to nine storeys, with a maximum building height of 31.2m over immediate ground level, while block B would feature eight to nine storeys with a maximum height of 30.2m over immediate ground level. The applicant has provided images indicating the existing varying building heights of the area, as well as a previously proposed development that has since been refused permission (ABP ref. 314523-22). The immediate urban block that the application

site is situated within primarily features warehouse and light industrial type buildings generally of a low level comprising two storeys. Immediately to the northwest of the site on the opposite side of Carmanhall Road is an eight-storey office building known as The Chase. There are six-storey buildings opposite the site (Nova Atria) to the northeast and within the Ravens Court Business Park complex to the southeast of the site. Taller buildings of recent construction are also visible within the wider business park area, including the 17-storey apartment building on lands to the northwest of the site (Vista, Sandyford Central). The applicant also refers to permission for a seven to nine-storey student accommodation building on the Avid-technology site (ABP ref. 303467-19), which expires in mid-2024.

- 12.4.20. From the outset, I note that block A would feature circulation cores providing access to the roof-level communal space and facilities, which could reasonably be considered to form a tenth storey to this block when considered and viewed alongside the lower-ground floor level (see courtyard elevation 04 drawing no.1081-MDO-TS-ZZ-DR-A-08010). Furthermore, I acknowledge that the proposals feature internal mezzanine levels at lower-ground floor level to the units fronting block B, and block C would feature a 2.1m-high enclosure around the heat pumps at roof level.
- 12.4.21. Map 3 of the Sandyford Urban Framework Plan identifies building height limits of seven to nine storeys for the application site, with six-storey building height limits fronting the site onto Ravens Rock Road. Section 3.2 of Appendix 5 to the Development Plan states that the stated building height limits in the Sandyford Urban Framework Plan do not necessarily represent a 'target' height for each site.
- 12.4.22. The Development Plan policy objective PHP42 not only aims to encourage high-quality design in all new development, it also aims to ensure that new development complies with the Building Height Strategy for the County, as set out in appendix 5 to the Plan. The Sandyford business district building height objectives, as stated in section 3 of Appendix 5 to the Development Plan, are consistent with the building height objectives stated in section 3 of the Sandyford Urban Framework Plan (Appendix 16 to the Development Plan). These building height objectives require the height limits to follow those set out in Map 3 of the Framework Plan, albeit subject to compliance with policy objectives BHS 1 and BHS 2. Policy objective BHS 1 allows for increased building heights in certain locations, including the Sandyford Urban Framework Plan area and within a 1km or ten-minute walk from a Luas stop, subject

to amenities, environmental sensitivities, and the character of an area, as well as the provisions of the Building Heights Guidelines. Policy objective BHS 2 aims to promote and support the proposed building heights identified for certain areas, including the Sandyford Urban Framework Plan area, having regard to the Building Heights Guidelines, and more specifically in order to apply SPPR 3 of these Guidelines there may be instances where an argument can be made for increased height and / or taller buildings in this area on a placemaking basis. Should increased building heights or taller buildings be proposed, policy objective BHS 2 requires proposals to be assessed in accordance with the building height, performance-based criteria set out in table 5.1 of Appendix 5 to the Development Plan, with the onus on the applicant to demonstrate compliance with the criteria.

12.4.23. Proposed block A featuring six storeys onto Ravens Rock Road, before stepping up to nine storeys to the rear would generally be in keeping with the height limitations in the Framework Plan, although I consider the ten-storey height of block A arising from the circulation cores at roof level to this block as being non-compliant with the subject building height limits. Along the Ravens Rock Road frontage, proposed block B would feature seven storeys, rising to eight storeys to accommodate a circulation core on this frontage. The nine-storey element to the rear of block B would not exceed the Framework Plan building height limits for this area, whereas the seven to eight-storey elements of this block onto Ravens Rock Road would exceed the six-storey limit. Proposed block C would feature a building height above the height allowed for in the Sandyford Urban Framework Plan for this site. Each of the proposed buildings would in some form feature increased heights above those generally allowed for the site in the Framework Plan and these buildings would also be in excess of two storeys more than the prevailing two-storey building heights of the area. Consequently, the proposed buildings would also fall into the Development Plan 'taller building' category.

12.4.24. I am satisfied that based on the stated provisions of policy objective BHS 2 of the Development Plan, blanket height restrictions do not necessarily apply in this area, as there is scope to permit increased heights or taller buildings exceeding the building height limits set out in the Framework Plan, albeit subject to the development complying with the building height performance criteria within the Development Plan. Failure to meet the building height performance criteria set

within the Development Plan, could reasonably be considered to materially contravene the building height provisions of the Development Plan. Consequently, the acceptability of the proposed building height needs to be considered against the performance-based criteria in table 5.1 of the Development Plan building height strategy, which refers to county-level, district / neighbourhood / street-level, site / building-scale and county-specific criteria. The Development Plan assessment criteria is similar to the development management criteria detailed under section 3.2 of Building Heights Guidelines.

County-level Criteria

- 12.4.25. National and local policy recognises the need for a critical mass of population at accessible and serviced locations within Metropolitan areas. By focussing development in key urban centres and supporting national strategic objectives to deliver compact growth in urban centres, I am satisfied that the proposed development meets the requirements set out in item (a) of the criteria listed under this section of table 5.1 of the Development Plan.
- 12.4.26. The second criteria under the county-level subheading relates to whether the site is well served by public transport with high capacity, frequent service and good links to other modes of public transport. My assessment above addressing the location of the proposed development with respect to residential densities, indicates that the site would be within reasonable walking distance from high-capacity Luas stops and within easy walking distance of high-frequency urban bus services. Overall, I am satisfied that the level of public transport currently available is of a scale that can support the resultant future population. Additional and upgraded transport services in this area, will be supported by providing for developments such as this, which will support a critical mass of population at this accessible urban location, in accordance with national policy for consolidated urban growth and higher densities.
- 12.4.27. Item (c) criteria of the subject Development Plan table relates to the appearance of the development and its ability to integrate into / enhance the character and public realm of the area, having regard to topography, cultural context and the setting of key landmarks. The Planning Authority asserts that the proposals would fail to properly integrate into the area and would be visually overbearing, with the fourth floor to block B and the fourth and fifth floors to block C requested to be omitted if the

Board are minded to grant permission. The applicant asserts that the height of the proposed development has been designed to avoid overlooking or overbearing impacts, and to comply with the relevant building height assessment criteria listed in the Development Plan and New Apartment Guidelines. As required, an Architectural Design Statement, a Quality Audit and a visual assessment (see EIAR), have been submitted as part of the application, with the professional suitability of the visual impact assessment practitioners outlined in the EIAR. The visual impact assessment undertaken below in section 13.14 concludes that the proposed development would have negligible to moderate visual impacts when viewed amongst the surrounding emerging urban built environment.

12.4.28. In replacing buildings of limited architectural merit with buildings of quality contemporary design and materials, the proposed development would in some form enhance the appearance of the site. In relation to the scale and height of block C onto Carmanhall Road I acknowledge that this building would be a 6m setback from the footpath proposed to be realigned. It would also be approximately 1.4m above the roof parapet level of The Chase office block to the northwest of the site. I acknowledge the Board's decision to refuse planning permission for a similar height and positioned building (block D) on the adjoining Avid Technology site (ABP ref. 314523-22), which is illustrated by the applicant in the various masterplan elevation drawings and photomontages accompanying this application. Block C of the subject proposals would have a substantively reduced width of 26.5m when compared with the adjoining refused 53m-wide block D, and as a result I am satisfied that proposed block C would not have the same unrelenting scale, excessively dominating the streetscape along Carmanhall Road. Proposed block C would provide a reasonable scale of enclosure when approaching the site directly from the north along Arkle Road. As stated, the Planning Authority has suggested the omission of two floors from this block, however, I do consider this to be warranted to mitigate the impact of proposed block C onto Carmanhall Road.

12.4.29. Proposed blocks A and B onto Ravens Rock Road would be set back 1.5m to 2m from the public footpath and 8m from the carriageway. As stated above, a 9m separation distance between the blocks would break up the scale of the blocks onto the streetscape. The Planning Authority has requested omission of one intermediary floor from proposed block B, despite block A featuring a maximum building height

2.3m above that of block B. I can only assume that the Planning Authority's concerns in this regard relate to the seven to eight storey element to block B onto Ravens Rock Road. I am satisfied that the height of blocks A and B would not be excessively overbearing on Ravens Rock Road, particularly given the setbacks achieved from the carriageway and the recessing of the upper-levels.

12.4.30. Having regard to the provisions of item 1(d) of table 5.1, I am satisfied that protected views and prospects, as outlined in the Development Plan, would not be adversely affected. The observers refer to the visual impact of the proposed development as potentially representing a material contravention of the Development Plan, although I fail to see how this could reasonably be considered to arise, given my conclusions above and the lack of a specific Development Plan policy or objective, which the development would contravene in this respect. As noted above, the development would not exceed core strategy or phasing unit numbers for this area. I am not aware of other infrastructural capacities identified in the core strategy attached to the Development Plan, as impacting on the development. Arising from the above, I am satisfied that the development would satisfy building height criteria at county level.

District / Neighbourhood / Street Level Criteria

12.4.31. The bullet points under this section of the Development Plan building height strategy primarily relate to how the proposals respond to the overall natural and built environment, and the contribution of the development to the urban neighbourhood and streetscape. Consideration is also required as to whether a proposal is monolithic in form, whether a proposal enhances public spaces in terms of scale, enclosure and legibility, while integrating and contributing to building / dwelling typologies available in a neighbourhood. The applicant considers the development to respond well to its natural and built environment, making a positive contribution to placemaking through the careful design and arrangement of each of the proposed apartment blocks and the landscape within which they are sited. I consider the modulated building heights and separation between the blocks, particularly at upper level, would avoid the creation of a development monolithic in appearance and would provide for passive surveillance of the public realm, including open spaces and pedestrian and cycle routes running past the site to the north and west. In my opinion the siting of the proposed buildings would be sufficiently sensitive to existing

building lines onto Ravens Rock Road and Carmanhall Road, following the established and emerging pattern of these streets.

12.4.32. The development would feature improvements to the public realm along Carmanhall Road and its junction with Ravens Rock Road, via the provision of an area of public open space. The proposal has sufficient regard to its proximity to neighbouring properties and in my view, it would not have excessively overbearing impacts on the amenity of existing neighbouring properties (see section 12.5 below) or along Carmanhall Road and Ravens Rock Road, particularly when considering buildings of a similar height with less setbacks in the immediate area (The Chase). Following on from considerations above in relation to trees, I am satisfied that the development would not respond well to the natural environment and landscape features along the southwestern corner of the site by failing, as far as practicable, to protect or preserve the trees in this area.

12.4.33. With regard to the consideration of the criteria relating to legibility, some positive contributions would arise via provision of a new through route running along the perimeter of the site. The masterplan proposals submitted with the application reveal the intention for this route to form a well-defined new street situated between the subject development and the Avid Technology site. The pedestrian footpath fronting the site along Carmanhall Road would be repositioned as part of the proposals, which would also tie in with proposals for a cycleway along this street. As highlighted above, a more legible and convenient entrance to block C on Carmanhall Road would be necessary.

12.4.34. I have considered the heights, positioning and activation of the proposed buildings onto Carmanhall Road and Ravens Rock Road, and I am satisfied that the positioning, heights and uses proposed would be appropriate in this regard and, accordingly, would provide an appropriate level of enclosure and meaningful human contact along the streets and spaces fronting the development. As noted above, the intention is for a new street to be created along the eastern boundary, and I have highlighted concerns with respect to the lack of activation to this street owing to the proposed ground-floor uses and building features. Blocks A and C would place nine and ten-storey buildings respectively directly onto the footpath running along this new street, which I consider to provide an excessive level of enclosure onto the proposed public realm in this area, with only a narrow street proposed along these

blocks. To address this the heights of blocks A and C onto this new street would need to be substantively reduced and / or the setback of these buildings from the street substantially increased. I do not consider this practical to achieve through a condition to a permission, as it would have significant material implications for the remainder of the development.

12.4.35. The tenure of the development is discussed in section 12.2 above, where it was accepted that it would not lead to an oversaturation of the build-to-rent housing type in the area, while I am satisfied that the mix of residential units proposed would add to the mix of housing typologies in this area (see section 12.6 below).

Site / Building Scale

12.4.36. In section 12.5 below I have considered in more detail the impact of the building height on the amenity of neighbouring properties, including factors such as daylight, overshadowing, outlook and privacy. The form and design of the proposed development requires limited consideration with respect to impacts on existing neighbouring residences due to the separation distances available. Notwithstanding this, further consideration of sunlight, daylight and overshadowing arising for the development potential of adjoining lands would appear warranted based on the applicant's masterplan proposals.

12.4.37. Observers refer to the proposals as materially contravening the provisions of the Development Plan or the Framework Plan with regard to an ACA designation, the closest of which to the application site relates to Arkle Square located 700m to the east of the site. The site is not in or within a reasonable distance of an ACA to have a substantive impact on the setting or character of such an area, therefore, I fail to see how the asserted contravention could reasonably be considered to arise. Furthermore, the development is not within a distance to significantly impact on the character or setting of the nearest Protected Structure, Burton Hall, which is located 450m from the site. I also note that criteria listed under table 5.1 with respect to energy efficiency and carbon emissions have been considered satisfactory as part of the application proposals, as addressed in sections 12.6 and 13.10 below.

Section 3.2 Criteria: Specific Assessments

12.4.38. Several specific assessments have been undertaken and submitted with this application, in particular as part of the EIAR. Other assessments requested during

pre-application consultations have also been submitted or responded to by the applicant.

12.4.39. Chapter 12 of the EIAR addresses the impact of wind on the microclimate arising from the proposed development. According to the applicant, the proposed development, including the masterplan proposals, would not introduce any critical wind impact on the surrounding buildings or the adjacent roads. Evidence to the contrary has not been submitted by parties to the application. The Planning Authority accept that wind / microclimate concerns for private amenity spaces, public and communal space would not arise based on the information provided with the EIAR. I am satisfied that wind impacts of the proposed development would not be substantive or sufficient to require amendment of the proposals.

12.4.40. Likely impacts for telecommunication channels are considered within a Telecommunication Report (EIAR appendix 14.1) submitted as part of the application. This outlines that diffraction for two microwave link telecommunication channels would arise from the proposals, but that this can be resolved via the provision of six 300mm-diameter microwave link dishes to three support poles affixed to the plant-screen overrun that would be recessed to the roof level of proposed block C. The Planning Authority did not raise any concerns with respect to the proposed telecommunication equipment. Given the proposed position of block C, between 8m and 13m from the carriageway along Carmanhall Road and Ravens Rock Road, this equipment would not be visible from the immediate street level, as illustrated in the photomontages submitted. Consequently, I am satisfied that the telecommunications equipment, as proposed, would not have substantive impacts on the visual amenities of the area.

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

12.4.42. A Screening Report for AA and a biodiversity assessment, including an ecological survey and a bat survey appended to the EIAR, have been submitted as part of the application to demonstrate no significant impact of the development on ecology, and no likely adverse impact on protected habitats or species, including bats and birds. Likely impacts on archaeological heritage are also detailed as part of the EIAR, as

discussed further below in section 13.13. SEA would not be required for this project and an EIA of the project is undertaken in section 13 below. I am satisfied that adequate information has been submitted to enable me to undertake a thorough and comprehensive planning assessment of the impact of the proposed development.

Building Height Conclusion

12.4.43. The proposed building height is greater than the standard heights outlined within the Framework Plan for this site, as appended to the Development Plan, and would be greater than the prevailing height of the immediate existing neighbouring buildings. The development would not comply with all of the criteria required by table 5.1 to appendix 5 of the Development Plan given the concerns expressed above. While aspects of the proposed development would make a positive contribution to placemaking in the area, in particular the replacement of the existing buildings and the formation of a strong urban edge along Carmanhall Road and Ravens Rock Road, the project features several shortcomings, in particular relating to the positioning, ground-floor use and height of proposed blocks A and C onto the new street. In failing to meet all of the criteria required by table 5.1 to appendix 5 of the Development Plan, I am satisfied that the proposals would not adhere to policy objective BHS 2 of the Development Plan addressing building heights permissible in areas covered by an urban framework plan.

Conclusion

12.4.44. I am satisfied that the overall layout, design, and building height of the scheme would not provide a sufficient quality of response in developing this site from an urban design perspective. Concerns have been raised with respect to the height, layout, design and density of the proposed development, and I am satisfied that the omission of floors from the development would not in itself address these concerns and would not form a practical means of remedying the situation. In conclusion, I am satisfied that the proposed development would fail to adhere to the relevant building height provisions of the Development Plan and in doing so, as asserted by observers to the application, it would materially contravene the building height provisions of the Development Plan. This matter of material contravention has been addressed by the applicant in their Material Contravention Statement, and in such a situation it is open

to the Board to consider the proposal in terms of material contravention procedures (see section 12.10 below).

12.5. Impacts on Neighbouring Amenities

- 12.5.1. Chapter 4 of the Development Plan, including policy objective PHP20 aiming to protect existing residential amenity, sets out that applications for developments featuring a net density of greater than 50 units per hectare must include an assessment of how the density, scale, size and proposed building form does not represent overdevelopment of the site. The applicant has provided a variety of assessments to attempt to demonstrate same. While policy objective PHP18 of the Development Plan encourages higher densities, this is subject to the protection of the residential amenities and the established character of an area. The Planning Authority raise concerns in relation to the impact of the development on the adjoining property to the east, with implications for the future development potential of these 'A2' zoned lands.
- 12.5.2. There are commercial buildings adjacent to the south, as well as on the opposite sides of the roads facing the application site. The closest residences to the application site are the apartments within The Forum complex, approximately 110m to the northwest. A five-storey office block known as The Courtyard is situated between the application site and the eight-storey apartment block in The Forum, thereby substantively limiting any impact of the proposed development on these apartments.

Overlooking and Loss of Privacy

- 12.5.3. Policy objective PHP3 of the Development Plan refers to the Sustainable Residential Development Guidelines when planning for sustainable residential communities. These revoked Guidelines and the Development Plan refer to the traditional minimum separation distance of 22m between opposing first-floor windows in two-storey housing for privacy reasons. Dependent on positioning and detailed design, reduced separation distances may be acceptable based on the Development Plan, and in residential developments over three storeys, the Development Plan states that minimum separation distances may be increased having regard to layout, size and design. SPPR 1 of the Sustainable Settlements Guidelines states that

Development Plans should not include minimum separation distances that exceed 16m and that a separation distance of at least 16m should be maintained between opposing windows above ground-floor level serving habitable rooms at the rear or side of houses, duplex units and apartment units.

- 12.5.4. Given the separation distances and planning provisions presented above, there would not be potential for excessive overlooking to arise for existing neighbouring residential properties. Taking into consideration the development potential of the adjoining sites, including their suitability for residential use based on the Development Plan and Framework Plan provisions, the 11m to 14m separation distance between proposed blocks A and C and the masterplan blocks to the east of the site in the Avid Technology site are not considered acceptable by the Planning Authority. As noted, these off site masterplan blocks have since been refused permission (ABP ref. 314523-22).
- 12.5.5. While I acknowledge the development potential of the adjoining site to the east and the provisions of SPPR 1, the proposed blocks on the eastern side of the site would face onto a new street separating the application site from the adjoining site. I am satisfied that the intervening strip of public realm along the eastern boundary of the site would need to be overlooked by apartments and would serve as a visual distraction between the proposed apartments on the eastern ends of blocks A and C and the property to the east. Furthermore, any future development on the Avid Technology site would invariably need to be designed cognisant of any existing or permitted development on the application site. A similar context and situation would arise along the southern boundary, with a new street to be provided separating the proposed development from the residential zoned property to the south, Mercury House. Accordingly, a refusal of permission or modifications to the proposed development for reasons relating to overlooking of neighbouring properties would not be warranted. I consider the impacts on the privacy of future residents of the proposed apartments separately under section 12.6 below.

Outlook and Overbearing Impacts

- 12.5.6. The proposed development would be visible from the public realm and internal areas of properties neighbouring the site. Consequently, it would change the outlook from these neighbouring properties. Having visited the area and reviewed the application

documentation, including the photomontages and the computer-generated images (CGIs) included as part of the Architectural Design Statement, I consider that the extent of visual change that would arise for those with views of the development, would be reasonable having regard to the separation distances to properties and the existing use of the nearest properties to the application site, and as a contemporary development of this nature would not be unexpected in this area owing to the development objectives for the site and the emerging pattern of development in the area, in particular the increasing prevalence of taller buildings.

- 12.5.7. Another key consideration is whether the height, scale and mass of the proposed development and its proximity to neighbouring properties is such that it would be overbearing where visible from neighbouring properties. As noted above, the proposed development features a building height similar but in some cases below the heights of buildings in the business park area. Photomontages submitted with the application provide illustrations of the appearance of the development from neighbouring areas. I am satisfied that the proposed development would not be overly prominent when viewed from the nearest properties, with an open outlook and sky view maintained. There would be sufficient intervening space between the existing properties and the proposed building to ensure that the proposed development would not be excessively overbearing when viewed from neighbouring properties.

Daylight and Sunlight Impacts

- 12.5.8. In assessing the potential impact on light access to neighbouring properties where existing occupants would have a reasonable expectation of daylight, two primary considerations apply, including the potential for excessive loss of daylight and light from the sky into existing buildings through the main windows to living rooms, kitchens and bedrooms, and the potential for excessive overshadowing of existing external amenity spaces, including gardens. The applicant has provided a Daylight and Sunlight Report addressing the potential for the development to impact on skylight to neighbouring properties
- 12.5.9. The Sustainable Settlements Guidelines refer to the various technical standards that can be used in considering the impacts of a development on daylight, including guides like the 2022 third edition of the BRE 209 'Site Layout Planning for Daylight

and Sunlight - A Guide to Good Practice'. The applicant's Daylight and Sunlight Report refers to the 2011 second edition version of the BRE 209 Guide, which I am satisfied would be acceptable to be used in considering the access to daylight impact of the development based on the wording and provisions of the Sustainable Settlements Guidelines.

12.5.10. The BRE 209 guidance outlines a series of tests to identify whether rooms would receive adequate lighting as a result of undertaking a proposed development. The first of these tests states that if the separation distance is greater than three times the height of the new building above the centre of the main window (being measured), no further testing would be necessary. The closest neighbouring buildings accommodating office or light-industrial work activities, would fall beyond the scope of this assessment based on application of the BRE 209 guidance criteria. I am satisfied that the information available reveals that undue impacts on lighting to existing neighbouring residential properties would not arise from the proposed development.

12.5.11. The Planning Authority do not consider the proposed development to have substantive impacts on lighting to neighbouring commercial buildings, but they do flag concerns with respect to the potential impact of the development on sunlight and skylight to the future development potential of zoned lands in the area. The Planning Authority's concerns primarily relate to the impact on the Avid Technology site. As noted, the most recent proposals on the adjoining lands, which were subject of an indicative masterplan, did not receive permission (ABP ref. 314523-22). A previous permission for a student accommodation scheme on this adjoining site is to shortly expire (ABP ref. 303467-19). I note that a build-to-rent apartment scheme is proposed on the IVM House site directly to the west (ABP ref. 313209-22), and this would feature a building up to eleven storeys located approximately 28m from the nearest proposed block on the application site.

12.5.12. The BRE 209 Guide 2022 outlines that it is possible to reduce the quality of adjoining development land by building too close to the boundary, requiring buildings to feature a reasonable distance setback from boundaries to enable future nearby developments to enjoy a similar access to daylight. To assess the potential for good daylighting to adjoining sites where a future development would feature windows facing the subject proposed development, the BRE 209 Guide refers to use of a 43°

angle building clearing distance taken from a point 1.6m above surface level on the boundary with the proposed development. It is unclear if this would be achieved in relation to the IVM House site redevelopment (ABP ref. 313209-22), which would feature windows facing the application site. A more flexible building clearance based on a 25° angle can be applied under the BRE 209 Guide provisions, where the development potential of an adjoining site could mirror a proposed development. Based on the masterplan proposals, the proposed development would not achieve the angular building clearance criteria set out in the BRE 209 Guide 2022, therefore, there may be scope for the development potential of the Avid Technology site to be impacted by the proposals arising from reduced access to daylight.

Overshadowing

- 12.5.13. The BRE 209 Guide requires greater than half of neighbouring amenity areas to receive at least two hours of sunlight on the 21st day of March (the spring equinox). The applicant's Daylight and Sunlight Analysis report calculates that 60% of the proposed open space accessible to the public on the northwest corner of the site would receive sufficient sunlight levels based on the standards in the BRE 209 Guide. The applicant did not identify any neighbouring recreation space that could reasonably be impacted by overshadowing from the proposed development.
- 12.5.14. A substantive change in sunlight hours to existing neighbouring amenity areas would not arise from the proposed development due to the fact that the immediate surrounding area does not feature existing amenity spaces serving residences. The impact of the proposed development on lighting to the proposed public open space along the junction of Ravens Rock Road and Carmanhall Road (on the IVM House site - ABP ref. 313209-22) has not been considered as part of the applicant's Daylight & Sunlight Report, although I would note that this space, located at least 20m from the nearest of the subject proposed buildings, does not exist at present.

Construction Impacts

- 12.5.15. The Preliminary CMP and EIAR submitted with the application set out the intended measures to address traffic, security, health and safety, as well as the various controls with respect to fuel, water, biodiversity, light, air, dust, waste and archaeology. The Environmental Section of the Planning Authority refer to the submitted Resource Waste Management Plan as being inadequate lacking in detail

with respect to construction waste storage and management, suggesting that a record of construction waste be maintained for the project and a materials source and management plan and a rodent / pest control plan should be developed and implemented for the project.

12.5.16. A Preliminary CMP has also been submitted with the application setting out the stages and methods to be undertaken in developing the site, including traffic management measures. Any construction phase impacts would only be of a temporary nature and would also be subject of a finalised project CMP with a traffic management plan, as is required by the Planning Authority. The underground infrastructural upgrade works connecting the proposed development to services on Arkle Road and Carmanhall Road to the northeast of the site would need to be factored into the construction phase traffic management plan. Standard construction hours can be applied to the proposed development as a condition in the event of a grant of permission, and the final project CEMP can be revised and updated, if necessary, to address the specific matters raised by the Environment Section.

Conclusions

12.5.17. In conclusion, sufficient information has been provided with the application and is available to allow a comprehensive and thorough assessment of the impacts of the proposals on existing neighbouring amenities, as well as the wider area. I am satisfied that the proposed development would not result in excessive overshadowing, overbearing or overlooking impacts for existing neighbouring properties. I concur with the Planning Authority in relation to concerns arising from the scale, height and layout of the proposed development and its impact on the adjoining development site, although I acknowledge that this would be dictated by the design and layout on the adjoining site, the stated owners of which have not objected to the proposed development. As noted above in section 12.4, I am satisfied that there are more substantive concerns in relation to shortcomings in the development proposals, and it would not be necessary for the impact on the development potential of the adjoining lands to form a reason for refusal of permission.

12.6. Residential Amenities and Development Standards

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

Apartment Mix

- 12.6.3. Observers consider the proposed mix of units to materially contravene the provisions of the Development Plan and the Framework Plan, while the Planning Authority consider the overall mix of units to be acceptable based on planning provisions. The Planning Authority consider the apartment mix to accord with SPPR 8 of the New Apartment Guidelines, although a greater mix of larger units would have been preferred.
- 12.6.4. The proposed development would feature 48 studio (23.2%), 103 one-bedroom (49.8%) and 55 two-bedroom (26.5%) apartments, as well as one three-bedroom (0.5%) apartment. Following a draft Ministerial Direction, the Planning Authority was requested to delete certain provisions in the Development Plan, including a paragraph referring to a percentage of three-bedroom units to apply to build-to-rent developments, which the applicant had noted would not be complied with as part of the subject proposals, thus leading to this matter being addressed in their Material Contravention Statement. Section 12.3.6 of the Development Plan refers to scenarios where derogations in relation to certain build-to-rent development standards can be availed of, including unit mix, setting out that a planning condition would need to be applied requiring a change of tenure following the period of any covenant and that such a condition can be attached in the event of a grant of planning permission. Section 12.3.6 also refers to the need for build-to-rent developments to comply with SPPR 8 of the New Apartment Guidelines, which provides that there shall be no restrictions on dwelling mix for build-to-rent

developments and I am satisfied that it is this provision that should be relied upon for the purposes of assessing the unit mix in the subject application.

- 12.6.5. Given the absence of strict unit mix requirements arising from the Development Plan reliance on SPPR 8 of the New Apartment Guidelines and the scope to attach a condition addressing any change of tenure in the future, the proposed apartment mix is considered to be acceptable. Accordingly, it cannot reasonably be considered that the proposed development would materially contravene the unit mix standards for build-to-rent accommodation provided for in the Development Plan.

Apartment Standards

- 12.6.6. The applicant has submitted a Housing Quality Assessment comprising a schedule of accommodation based on unit types, which provides details of apartment sizes, aspect, room sizes, storage space and private amenity space. The Planning Authority consider the floor areas, floor to ceiling heights, lift and stair core access and internal storage spaces for the proposed apartments to either meet or exceed the requirements of the New Apartment Guidelines.
- 12.6.7. The studio units measuring between 41sq.m and 47sq.m, one-bedroom units measuring between 48sq.m to 65sq.m, two-bedroom units measuring between 81sq.m and 85sq.m and the three-bedroom unit measuring 120sq.m, would meet the minimum 37sq.m, 45sq.m, 73sq.m and 90sq.m unit size requirements respectively required for these apartments in the New Apartment Guidelines. SPPR 8(iv) of the New Apartment Guidelines does not require the majority of build-to-rent units to meet or exceed the standard 10% additional floor space requirement. The internal design, layout and room sizes for each of the apartments, as identified in the applicant's drawings and Housing Quality Assessment, would accord with or exceed the relevant standards, as listed in the New Apartment Guidelines, including the standards in appendix 1.
- 12.6.8. Floor to ceiling heights of greater than 2.7m for the lower-ground and ground-floor levels and 2.55m for the upper-floor levels are illustrated in the apartment block section drawings, in compliance with SPPR 5 of the New Apartment Guidelines and section 12.3.5.6 of the Development Plan. For build-to-rent schemes, SPPR 8(ii) of the New Apartment Guidelines allows flexibility in the application of the 3sq.m, 6sq.m and 9sq.m internal storage space respectively required for studio / one, two and

three-bedroom apartments. Notwithstanding this, the subject proposals comply with these internal storage space standards, which are replicated in table 12.3 of the Development Plan.

12.6.9. Section 12.3.5 of the Development Plan also refers to the need for apartment schemes to be provided with external storage for bulky items outside individual units, in addition to the minimum apartment storage requirements. These storage units should be secure, at ground-floor level, near the entrance to the apartment block and allocated to each individual apartment unit. The applicant asserts that the Development Plan provisions would amount to a need for 1,054m³ of external storage space, with only a 14sq.m area for same provided at basement level. When considering the provisions of the New Apartment Guidelines, there is not a necessity for such storage areas to be provided as part of a build-to-rent development. The Planning Authority considers external storage for bulky goods to be necessary for the apartments. The applicant addresses non-compliance with this Development Plan standard as part of their Material Contravention Statement. Notwithstanding this, I am satisfied that there is provision in section 12.3.6 of the Development Plan to allow for a derogation from this standard in build-to-rent developments, as referred to above with respect to unit mix, therefore, I am satisfied that the failure to provide external storage areas for the proposed apartments would not be akin to a material contravention of the Development Plan.

12.6.10. SPPR 8(ii) of the New Apartment Guidelines allows for flexibility with respect to the normal private amenity space standards serving apartments in build-to-rent schemes. The Planning Authority assert that the private amenity space for 11 of the proposed apartments would fall short of the Development Plan and the New Apartment Guidelines. In this regard I note that three ground-floor, one-bedroom apartments (type 09) in block B, five first-floor, one-bedroom apartments (type 09) in block B and two first-floor, studio apartments (type 03) in block C would not feature private amenity spaces, while a 4.7sq.m terrace area off a bedroom to the lower-ground and ground-floor level three-bedroom apartment (type D2) in block B is proposed. The Development Plan requires 4sq.m private open space for studio apartments, 5sq.m for one-bedroom apartments and 9sq.m for three-bedroom apartments. It is clear that a shortfall would arise with respect to the quantum of private amenity space for 11 of the proposed apartments relative to Development

Plan standards. Sections 12.3.6 and 12.8.10 of the Development Plan provide for flexibility in the private amenity space associated with individual build-to-rent units, on the basis of the provision of an additional 10% high-quality, useable alternative, compensatory communal space, support facilities and amenities within the development. The applicant addresses non-compliance with this Development Plan standard as part of their Material Contravention Statement, however, I am satisfied that the shortfalls in private amenity space would be acceptable in this case, given the compensatory space provided to residents in the form of surplus high-quality communal space (above the Development Plan requirement) and the provision of alternative internal residents' support and amenity facilities in each of the blocks and following the stated derogation in the Development Plan. A material contravention of the Development Plan would not arise in this regard. The Development Plan and SPPR 8(v) of the New Apartment Guidelines do not set a minimum requirement for lift and stair core access per apartment in schemes such as this.

12.6.11. The Development Plan refers to the entire county area as falling into a suburban or intermediate area category, and, as a consequence, a 50% proportion of dual aspect units would be required in the proposed development following on from the provisions of SPPR 4 of the New Apartment Guidelines. As 45% of the units are considered to feature dual aspect, it could reasonably be asserted that the proposed development materially contravenes this aspect of the Development Plan. The applicant addresses non-compliance with this Development Plan standard as part of their Material Contravention Statement, therefore, the Board may wish to address this further under material contravention procedures (see section 12.10 below). The Development Plan refers to 'central' areas within the County when addressing Policy Objective T7: Public Transport Interchanges and in section 6.3.2 when addressing sectoral and land use trends. The Planning Authority appear to accept that there are central areas within the County in relation to some themes but not others. The application site is clearly not in a suburban or intermediate area based on the detailed analysis in section 12.3 of my report above, and I consider the 33% proportion of dual aspect units required for a development in the subject central and / or accessible location based on the provisions of SPPR 4 of the New Apartment Guidelines has been complied with.

Lighting to Apartments

- 12.6.12. Section 3.2 of the Building Heights Guidelines state that the form, massing and height of a proposed development should be carefully modulated, to maximise access to natural daylight, ventilation and views, and to minimise overshadowing and loss of light. The Guidelines state that appropriate and reasonable regard should be taken of quantitative performance approaches to daylight provision outlined in guides such as BRE 209 'Site Layout Planning for Daylight and Sunlight - A Guide to Good Practice' (2011) and British Standard (BS) 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'. Section 6.6 of the 2020 version of the New Apartment Guidelines states that Planning Authority's should have regard to BRE 209 Guide 2011, when considering the adequacy of lighting to apartment developments.
- 12.6.13. As part of the application a Daylight and Sunlight Analysis report was submitted, initially referring to standards in the BRE 209 Guide 2011, while providing an appendix assessing the proposals against the Irish standards (IS) EN 17037:2018. These more recent 2018 Irish standards are not referenced in the Development Plan or the 2020 version of the New Apartment Guidelines. As noted above, I am satisfied that the BRE 209 Guide dating from 2011 would be satisfactory to use for this element of my assessment based on the wording in the Sustainable Settlements Guidelines. Furthermore, there is not a necessity to consider the proposals against a range of lighting standards and I consider the lighting standards within BRE 209 Guide 2011 to be appropriate and satisfactory in the subject case.
- 12.6.14. Under the BRE 209 Guide 2011 a minimum average daylight factor (ADF) of 1.5% should be achieved for living rooms, with a 1% ADF for bedrooms and a 2% ADF for kitchens. The applicant applied a 2% ADF target when assessing the proposed living / kitchen / dining rooms and the living areas to the studio apartments. The results of testing for all rooms are presented in graphical format in the applicant's Daylight and Sunlight Analysis report. The results of testing for the proposed development calculated ADF values exceeding the respective target value for 95% of the rooms in the development, with 22 of the 424 rooms falling short of the minimum target ADFs. Within block A, 12 bedrooms and four studio apartments located between ground and sixth-floor levels and facing onto the courtyard space would feature daylighting levels below their respective minimum target ADF values.

Three bedrooms and a living / kitchen / dining room at lower-ground to second-floor level in block B would fail to meet the minimum target ADF values, along with a bedroom at second floor to block C.

12.6.15. The Planning Authority raise concerns with respect to the provision of daylighting to the proposed apartments, including reflectance values used in the assessment by the applicant. I am satisfied that the subject proposals would clearly lead to comprehensive urban regeneration of this inner-suburban brownfield site and regeneration of the site needs to ensure an appropriate urban form and edge overlooking the streets to the immediate area. Substantive compliance with daylight targets would arise for the apartments. I note that the targets set in the BRE 209 Guide 2011 are not mandatory and lighting standards should be interpreted with flexibility. Furthermore, lighting is only one of a broad spectrum of interrelated requirements in the successful design of new apartments such as those proposed, with room sizes and layouts, window types and positions, and the orientation and context of a site interacting with the achievement of lighting targets. In this regard a reasonable balance needs to be achieved to ensure an appropriate standard of living accommodation and amenities for residents. I am satisfied that where shortfalls are identified to arise with respect to the level of lighting to the proposed apartments, the alternative, compensatory design solutions put forward by the first party, would be appropriate in ensuring a reasonable level of amenity for future residents of the respective apartments having regard to the noted site constraints and the achievement of wider planning objectives. Finally, in relation to the contention of the Planning Authority suggesting that if the proposed buildings were of heights allowed for in the Framework Plan there would be improvements in daylight to the apartments, in particular given the minor extent in shortfalls it is not clear if this would be the case.

Privacy and Overlooking

12.6.16. As mentioned above, a minimum separation distance of approximately 22m between directly opposing windows to maintain privacy is required in the Development Plan, while 16m is required in SPPR 1 of the Sustainable Settlements Guidelines. The proposal design measures, such as separation distances, intervening public realm and open spaces, as well as building orientation would generally be appropriate and

would address the potential for excessive direct overlooking between the proposed apartments within the development.

12.6.17. The Planning Authority refer to the potential for excessive overlooking and loss of privacy between apartments with windows facing each other in blocks A and B, as well as blocks B and C, owing to a 9m and 8m separation distance respectively between these blocks. I note the provision of a stepped and ramped pedestrian access at lower-ground to ground-floor level between blocks A and B, as well as communal space and walkways at ground level between blocks B and C. I do not consider the lower-ground and ground-level features and layout to provide a sufficient visual distraction between the upper-level units in blocks A and B and block B and C to justify separation distances below the minimum standards. While the separation distances would in the stated locations fail to strictly adhere to the Development Plan separation distances, I do not consider this to be representative of a material contravention of the Development Plan, as the Development Plan allows for a relaxation in the 22m separation distance standard depending on orientation and if a site is located in a built-up area.

12.6.18. Notwithstanding this shortfall in separation distance and as noted by the Planning Authority, there would be scope to introduce opaque glazing to certain secondary windows to apartments in order to compensate for the reduced separation distances. To address this issue arising between blocks A and B, opaque glazing would be necessary for the south elevation windows serving a kitchen / living / dining space to the one-bedroom apartment (type 10) at first-floor level to block B, and the windows up to seventh-floor level in similar positions directly above these windows. Opaque glazing would also be required for the north elevation windows serving a kitchen / living / dining space to the two-bedroom apartment (type 02) at first-floor level to block A, and the windows in similar positions directly above these windows up to fifth-floor level. To address potential overlooking between blocks B and C opaque glazing would be necessary for west elevation windows serving a kitchen / living / dining space to the one-bedroom apartment (type 10) at first-floor level to block C, and the windows directly above these windows in a similar position up to seventh floor. The windows to feature opaque glazing would be secondary windows serving their respective rooms and with the attachment of a condition to address the above, excessive overlooking would not arise between the proposed apartments.

12.6.19. In section 12.4 above, I have addressed issues in relation to mitigation to address the privacy of the terraces serving the own-door units to block B along the western side of the site with the public footpath. I am satisfied that there would be sufficient defensible space provided between the communal walkways and public footpaths and the terrace spaces serving apartments to safeguard the privacy of future residents of the lower ground-floor and ground-floor apartments.

Residents' Supports and Services

12.6.20. Under SPPR 7 of the New Apartment Guidelines and section 12.3.6 of the Development Plan, build-to-rent apartment schemes must provide residents' support facilities, services and amenities, with the Development Plan referring to the potential spaces as comprising laundry facilities, concierge and management facilities, maintenance / repair services and waste management facilities.

12.6.21. As part of the project, it is proposed to provide a library, a gymnasium and a playroom to block B, residents' lounges and co-working / meeting spaces to blocks B and C, and a shared amenity space to block A, in total amounting to 415sq.m or 2sq.m space per future resident of the development. The applicant's Property Management Strategy Report outlines how these spaces, as well as the communal spaces, would be managed and operated. The Planning Authority' refer to the provision of 5sq.m residents' support facilities and services per apartment as being compliant with section 12.3.6 of the Development Plan, and as a consequence they consider a shortfall of 620sq.m in residents' support facilities to arise. Neither the Development Plan nor the New Apartment Guidelines state an actual floor area that would be required to serve as residents' amenities and support facilities in new developments.

12.6.22. Notwithstanding the asserted shortfall and in line with the request of the Planning Authority, there would be scope to allocate further space at basement or lower ground-floor levels as part of the residents' amenities and support facilities for laundry, concierge or management areas should the Board consider this necessary. I am satisfied that the proposed communal facilities would be comparable with the provision in similar size recently permitted residential developments of this nature and would be suitable to serve residents of the development based on the relevant standards, including the lack of a definitive quantum or space required per resident.

Communal Open Space

- 12.6.23. According to appendix 1 of the New Apartment Guidelines, the communal open space provision to serve the development should amount to a minimum of 4sq.m for studio apartments, 5sq.m for the one-bedroom apartments, 7sq.m for the two-bedroom apartments and 9sq.m for the three-bedroom apartment. Based on the apartment mix only and these planning provisions, the proposed development would require 1,101sq.m of communal open space. According to the applicant, communal amenity areas would be provided generally in the form of courtyard spaces and external roof terrace areas amounting to 1,475sq.m. The location of the courtyard communal space would directly serve the residents of the apartment blocks and would be directly overlooked from these units. The communal space along the northern side of block B, measuring approximately 100sq.m, would not be enclosed from the public open space, therefore, I would not consider this space to conform to communal open space. Notwithstanding this, sufficient space would remain for external communal use and I am satisfied that the provision of communal open space would contribute to the amenities of future residents, in conjunction with the alternative public and private space provision proposed as part of the development.
- 12.6.24. Section 12.8.5.4 of the Development Plan refers to standards for roof gardens as part of developments, including limitation of no more than 30% of communal open space by way of roof gardens. The proposed development would align with this provision of the Development Plan by providing 375sq.m or 25% of the communal amenity space at roof terrace level, or 27% of the communal space if area north of block B is excluded from the overall area.
- 12.6.25. There is variety in the function and appearance of the communal spaces, including the soft landscaping and seating areas. The Planning Authority has sought details of the play equipment proposed for the podium-level play areas to suit children of different ages, as well as noise containment and management measures for the roof terraces, which I am satisfied would be reasonable to undertake and provide in response to a condition should permission be granted for the proposed development. Over half of each of the communal areas would receive at least two hours of sunlight on the spring equinox, which would exceed the minimum requirements set out within the BRE 209 Guide and the Development Plan. In conclusion, I am satisfied that the

communal open space proposed would provide a reasonable level of amenity for future residents of the apartments based on the relevant applicable standards.

Childcare Facility

- 12.6.26. The observers assert that the proposed development would materially contravene the provisions of the Development Plan and the Framework Plan with respect to childcare provision. Policy objective PHP6 of the Development Plan looks to provide childcare facilities in new residential developments subject to demographical and geographical criteria. According to the Development Plan, the provision of childcare facilities should be based on the 'Childcare Facilities - Guidelines for Planning Authorities' (2001), which recommend one childcare facility for every 75 residential units.
- 12.6.27. A total of 16 childcare facilities have been identified by the applicant within 3.5km of the application site, although the applicant does not state if there is space in these facilities at the time of preparing the application. Based on the demographic profile of the area and the provisions within the New Apartment Guidelines, the applicant asserts that the development would generate a requirement for seven childcare spaces, which the applicant asserts could fall further based on the actual take up of spaces.
- 12.6.28. The applicant proposes a two-storey childcare facility to proposed block C, with an external play area to the rear of the unit, with capacity to accommodate 29 children in the pre-school age category (0-4 years old). I am satisfied that based on the information presented and available, the proposed development would comply with policy objective PHP6 of the Development Plan, as well as the provisions of the New Apartment Guidelines and the Childcare Facilities Guidelines, and a material contravention of the Development Plan would not arise with respect to childcare provision.

Schools and Support Facilities

- 12.6.29. Within their Social Infrastructure Audit, the applicant refers to 15 primary schools and nine post-primary schools within a 3.5km radius of the application site, revealing an overall increase in school places in these schools during the 2019 to 2021 period. The applicant asserts that the proposed development would be likely to accommodate in the region of 39 primary school children and 28 post-primary school

children. Increased housing in locations such as this ensure the efficient and increased use of existing and planned services in a formal manner, including schools, sports clubs and other social and physical infrastructure. Such services are dependent on a critical mass of population to justify the establishment of additional services or for them to remain viable. In the immediate and wider environs of the site there are schools, shops, retail services and medical facilities, all of which would benefit from the development. The proposed development would feature residential amenity facilities on site and is highly accessible via public transport. The number of school children required to be accommodated from the proposed apartments would not be substantive and as noted above, unit number or core strategy provisions for this part of the county would not be exceeded by the proposed development. In conclusion, supporting infrastructure and services required by the development would be largely available in the immediate area, the proposed development would support maintaining these services and as demand increases other additional supports to serve the development would become viable.

Waste and Recycling Management

12.6.30. The Environmental Section of the Planning Authority refer to the proposals as being absent of details with respect to operational waste management. An Operational Waste Management Plan submitted with the application identifies the likely volumes and types of waste and recycling that would need to be managed on site based on the nature and scale of the proposed development and planning policy. Drawings have been submitted identifying the location of three bin stores to serve residents of the apartments and one bin store to serve the childcare facility. A staging area for bins would be allocated on waste collection days and the applicant has provided a swept-path analysis drawing for a refuse collection vehicle accessing the staging area via the new street on the eastern perimeter of the site. I am satisfied that sufficient provision for waste and recycling collection, comparable with developments of a similar scale and nature, would be provided as part of the development and in line with the New Apartment Guidelines. Final details relating to operational waste and recycling management can be provided as a condition in the event of a grant of planning permission.

Building Lifecycle and Management

12.6.31. As required within the New Apartment Guidelines, a Building Lifecycle Report assessing the long-term running and maintenance costs and demonstrating the measures that have been considered by the applicant to manage and reduce costs for the benefit of residents of the proposed apartments, has been included with the planning application. Various energy efficiency measures are listed, as are proposals with respect to the management and maintenance of the development. A Property Management Strategy Report to address the management and maintenance of the development has also been provided. The Planning Authority assert that the applicant has demonstrated regard for the relative energy cost and expected embodied carbon emissions over the lifetime of the development and I am also satisfied that this would be the case. Prior to the lease of individual apartments, the developer would have to achieve compliance with the terms of the Multi-Unit Development Act 2011, inclusive of the establishment of a development specific Owners' Management Company.

Conclusion

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

12.7. Traffic and Transportation

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

Access

12.7.2. The observers assert that the application fails to prove that the proposed development would be sufficiently served with respect to public transport. I have addressed the provision of public transport services in this area in section 12.3 of this report when considering the density of the development, which indicated that sufficient information is available to conclude that the future occupants of the

proposed development would be a reasonable walking distance of a high-capacity urban public transport stop and within easy walking distance of high-frequency urban bus services. Technical information to the contrary of this has not been provided by parties to the application.

12.7.3. The vehicular access to serve the proposed development would be from Ravens Rock Road, with a vehicular egress onto Carmanhall Road. The applicant's proposals have been designed to tie in with the proposed Sandyford Business District Pedestrian and Cycle Improvement Scheme (Part 8), which I understand would feature an on-street cycle lane adjoining the existing carriageway running along Carmanhall Road. To conform with the DMURS requirements for a road featuring a 50km/hr speed limit, sightline visibility distances of 45m in length along Carmanhall Road are illustrated by the applicant on their sightlines drawing (no.21-118 P180). At present on-street parking is not available fronting the site along Carmanhall Road or Ravens Rock Road, due to the presence of double-yellow lines prohibiting same. The applicant has provided details of swept-path analysis for various vehicles entering and exiting the development, exclusive of any redevelopment on the Avid Technology site, with sufficient space to manoeuvre the right-angle turn in the southeast corner of the site. The Planning Authority's objection to the vehicular access serving the development relates to the design quality of the access, including the absence of a footpath along the east-west aligned route off Ravens Rock Road. A footpath would extend along the north-south aligned section of this new route. I agree with the Planning Authority's concerns that the east-west aligned route off Ravens Rock Road would effectively be a car park access ramp, which would provide a poor design response and would not provide a suitably safe and convenient access to the development. A footpath would be necessary and capable of being provided along this access and this should be sought as a condition in the event of a grant of planning permission for the development.

12.7.4. An east-west pedestrian bridge would be provided into the Avid Technology site, although this would be predicated on a permission to redevelop the adjoining site and it would cut through the podium-level communal space, therefore it would not be a public route and it would have limited scope to improve permeability within the subject urban block. The Planning Authority refer to a 2m-high mesh fence along the

meridian of the north-south aligned shared access route as impeding pedestrian access. I consider that this would be necessary until such time as the adjoining Avid Technology site is redeveloped, and a condition to address removal of same to align with any future redevelopment of the Avid Technology site, could be attached if the Board decided to grant planning permission.

Parking

- 12.7.5. The subject application proposes a total of 79 car parking spaces to serve the build-to-rent apartments, with 56 at undercroft level and 23 at basement level. Four car parking spaces would feature access for persons with a disability and the applicant refers to two car parking spaces as being allocated for a residential car-share scheme and eight spaces featuring electric-vehicle charging points. Three motorcycle parking spaces would also be provided.
- 12.7.6. The Planning Authority object to the principle of a using an undercroft car parking area, while asserting that car parking could be reduced overall, in order to reflect their requirement for a reduction in building heights resulting in less build-to-rent units, as well as the need to provide external storage space for the apartments. The Elected Members raise concerns regarding the provision of car parking for residents and visitors to the development. The observers assert that the proposed development would materially contravene the provisions of the Development Plan and the Framework Plan with respect to car parking. According to the applicant, based on the provisions of the Development Plan, a maximum of 236 car parking spaces would be applicable to the residential element of the development. I note that the Development Plan provides for car parking standards specific to this area, with a maximum of 0.6 spaces to be provided per one-bedroom unit, 0.8 spaces per two-bedroom unit and one space per three-bedroom unit or larger. Table 12.5 of the Development Plan requires one car parking space per 60sq.m of floor area in a childcare facility, thus requiring five car parking spaces to be allocated for the proposed childcare facility (306sq.m). These Development Plan provisions would amount to scope for up to 141 car parking spaces to be provided in the development.
- 12.7.7. In their Material Contravention Statement, the applicant addresses the potential for the Board to consider the subject proposals to materially contravene the car parking standards of the Development Plan. To justify the proposed car parking provision

the applicant asserts that it would be appropriate with reference to the ratio of parking per residential unit granted in other strategic housing developments, the proximity to public transport services and the scope for reduced parking below standards based on the provisions of the Development Plan. Section 12.3.6 of the Development Plan refers to the potential for derogations to apply for car parking standards in build-to-rent developments. Given the Development Plan provisions, I am satisfied that car parking below the maximum Development Plan standards for the proposed development could not reasonably be considered to contravene the Development Plan or the Framework Plan.

12.7.8. The New Apartment Guidelines advocate the consideration of reduced overall car parking in urban locations served by public transport or close to urban centres, particularly in high-density residential developments with a net density of greater than 45 units per hectare. SPPR 8(iii) of the New Apartment Guidelines requires minimal or significantly reduced car parking provision for built-to-rent developments given that they feature strong central management regimes and as they are more suitable in central locations and / or in proximity to public transport services. Furthermore, SPPR 3 of the Sustainable Settlements Guidelines sets out that a maximum of one car parking space per residential unit would be acceptable in an urban neighbourhood of Dublin.

12.7.9. A Property Management Strategy Report and a Travel Plan have been provided with the application, including the various measures to influence use of more sustainable modes of transport and to manage car parking as part of the development. Based on the information submitted with the application, I am satisfied that with the implementation of a Travel Plan and submission of further details with respect to the matters raised by the Planning Authority, including the allocation of car-share spaces, mobility spaces and electric-vehicle charging spaces, a sustainable approach to car parking would be provided as part of the development. It would not be necessary to omit parking to facilitate external storage for apartments based on the provisions above and the as there are internal areas identified in the drawings submitted within the basement and lower-ground floor levels that have not been assigned a specific use and as they could be allocated for a range of ancillary purposes. Five of the residential car parking spaces could be allocated for the childcare facility in line with the Planning Authority request.

Cycle Parking

- 12.7.10. The proposed development would feature three secure cycle parking areas at lower-ground floor to the development off the undercroft car park. This development would feature 264 bedrooms and the cycle parking facilities would have capacity for 288 bicycles according to the applicant, comprising 48 short-stay visitor spaces and 240 long-stay spaces. Based on the provisions of the Council's 'Standards for Cycle Parking and associated Cycling Facilities for New Developments', the applicant asserts that 207 long-stay and 42 short-stay cycle parking spaces would be required to serve the development. Section 12.4.6.2 of the Development Plan references the requirements for cycle parking in new developments, including details in relation to the location of same. The Planning Authority assert that a shortfall in cycle parking spaces would arise for the proposed development, as well as flagging concerns regarding the design and location of the spaces.
- 12.7.11. The New Apartment Guidelines set out requirements with respect to the location, quantity, design and management of cycle parking spaces, outlining that such facilities should generally be easily accessible and conveniently located. These Guidelines require one space per bedroom in a residential scheme, as well as one space per two residential units to serve visitor parking, which would necessitate 368 cycle parking spaces for the proposed development.
- 12.7.12. SPPR 4 of the Sustainable Settlements Guidelines addresses the quantity and design of cycle parking, requiring a minimum of one cycle storage space per apartment bedroom, as well as provision for visitor cycle parking. Provision should also be made for a mix of cycle types, including cargo and electric bikes, and for individual lockers. Under the provisions of SPPR 4, cycle storage facilities should be provided in dedicated facilities of permanent construction, within a building footprint or, where not feasible, within an adjacent or adjoining purpose-built structure of permanent construction.
- 12.7.13. Based on the Development Plan provisions, as well as the Guidelines referenced above, I am satisfied that the proposed development would feature secure, accessible and conveniently located cycle parking at lower-ground floor level to serve residents of the development. Notwithstanding this, there is a need to provide overlooked and sheltered short-term cycle parking close to the main entrances to the

buildings, and this would need to be requested via condition in the event of a grant of planning permission, with a shortfall of 80 spaces required to be addressed. A condition could also be attached to require the developer to accommodate a variety of cycle types and for the finalised cycle parking details to be agreed with the Planning Authority.

Traffic

12.7.14. The applicant submitted a Traffic and Transport Assessment following traffic surveys undertaken immediately prior to Covid restrictions in February 2020 for neighbouring junctions along Blackthorn Road, Blackthorn Drive, Blackthorn Avenue, Drummartin Link Road and Carmanhall Road. Additional surveys were undertaken in January 2022 during Covid restrictions for two junctions on Carmanhall Road to supplement the previous surveys, with a 50% increase factor applied in the applicant's model of these junctions to account for Covid restrictions. The applicant's assessment illustrates the traffic capacities and flows surveyed and sets out forecasts for potential traffic growth scenarios in the opening year (2026), the design year (2031) and the future year (2041) based on estimated traffic flow increases, including those arising from the proposed development, the new ESB link road between Burton Hall Road and Blackthorn Road, the Sandyford Business District Pedestrian and Cycle Improvement Scheme and the residential development refused permission on the Avid Technology site (ABP ref. 314523-22).

12.7.15. The Planning Authority do not raise any substantive concerns regarding the traffic impacts arising from the proposed development. Based on the quantum and typology of units proposed, the Traffic and Transport Assessment included as part of the application provides details of the number of vehicular trips anticipated for the development, as well as the residential development refused permission on the Avid Technology site (ABP ref. 314523-22). The total number of arrivals and departures by vehicles to the masterplan development is predicted to be 130 vehicles in the morning peak hour and 113 vehicles in the evening peak hour. The traffic modelling does not address the traffic impacts solely arising from the proposed development in isolation of the Avid Technology site, with 62% of the traffic exiting the overall masterplan site expected to do so via the Avid Technology site and 61% of the traffic entering the overall masterplan site off Carmanhall Road via the Avid Technology site. Notwithstanding this, the quantum of trips estimated to arise from the proposed

development has been accounted for in the traffic modelling presented by the applicant and this revealed that the additional traffic arising on the local road network would not have substantive impacts on road junctions neighbouring the site in all future-year scenarios. All road junctions surveyed would remain within traffic capacity and with limited additional delays for queuing traffic.

12.7.16. The site is located on zoned lands with reasonable access to an array of services.

The proposed development would provide for a substantive scale of development, replacing existing commercial buildings. The proportional change in vehicular traffic during operational peak hours would not be likely to increase substantively on the neighbouring road network as a result of the proposed development based on the existing extent of car parking on site, the nature of the existing and proposed uses and the proposed provision of car parking.

12.7.17. The Planning Authority and TII has requested the attachment of a supplementary development contribution condition under section 49 of the Act of 2000, which would appear appropriate to apply based on the terms of the Section 49 Levy Scheme for the Light Rail Extension of LUAS Line B1 - Sandyford to Cherrywood.

Conclusion

12.7.18. In conclusion, while concerns arise regarding the design and layout of the new street, subject to conditions, suitable vehicular access would be provided to the proposed development from a technical perspective, while significant traffic congestion in the wider area would not be likely to arise from the proposed development and the development would be capable of featuring an appropriate provision of car and cycle parking.

12.8. Services and Drainage

12.8.1. Observers assert that the application fails to prove that the proposed development would be sufficiently served with respect to drainage and water services, while also raising concerns with respect to flood risk. The application was accompanied by an Engineering Assessment Report and this sets out how water supply and drainage services would be provided for the development.

Water Supply

- 12.8.2. According to the applicant, there is an existing 6 inch-diameter watermain running along Ravens Rock Road, which the subject development on site is currently connected into. There is a 14 inch-diameter asbestos watermain running along Carmanhall Road to the north of the site, and it is this watermain that the proposed development would connect into. In their Engineering Assessment Report the applicant estimates the expected total water supply demand arising from the proposed development based on an occupancy of 637 persons. Uisce Éireann, who maintain and manage this infrastructure, has confirmed that a connection to their supply network can be made, subject to compliance with standard requirements. The Planning Authority note the water supply proposals and the confirmation received from Uisce Éireann acknowledging feasibility of the development to connect to same.

Wastewater Services

- 12.8.3. According to the applicant there is an existing 225mm-diameter foul sewer running along Ravens Rock Road to the west of the subject site. The proposed development would drain by gravity to a new 225mm-diameter foul sewer to be placed under Carmanhall Road, which would subsequently connect into the existing 225mm-diameter public sewer running along Arkle Road. Based on the details contained in the applicant's AA Screening Report and the EIAR, this sewer would ultimately discharge foul wastewater from the development to the Ringsend WWTP. According to the applicant a pre-connection enquiry was submitted to Uisce Éireann accounting for foul water flows accommodating 207 apartments, as well as the adjoining but since refused development (ABR ref. 314523-22). Uisce Éireann responded to consultation relating to the application, confirming that a wastewater connection would be feasible without an infrastructure upgrade and that at present there is capacity in the network on Arkle Road to accommodate the proposed development. If the connection cannot be made to this network, then upgrades would be required.

Drainage

- 12.8.4. Within their Engineering Assessment Report the applicant sets out that the hardstanding areas on the site currently drain unrestricted into a 300mm-diameter surface water sewer running along Ravens Rock Road and a 450mm-diameter

surface water sewer running along Carmanhall Road. The existing drainage system would be removed as part of the development and a new network installed limiting the stormwater discharge to greenfield runoff rates feeding into the surface water sewer along Carmanhall Road. Green roofs / podiums and permeable paving would be incorporated into the proposals as part of the interception measures forming part of the surface water drainage proposals. The applicant states that 60% of the roof area within the development would comprise green roofs. The proposed attenuation tank would have volume capacity for 420m³ to cater for 353m³ arising from site source storage proposals addressing 1 in 100-year storm events and a 30% freeboard for climate change effects. A hydrobrake and a fuel interceptor would be installed as part of the sustainable urban drainage systems (SUDS).

- 12.8.5. A Stage 1 Stormwater Audit was submitted as part of the application. SUDS maintenance measures are listed as part of the Engineering Assessment Report and the Planning Authority request that stage 2 and 3 stormwater audits should be undertaken if permission is granted for the proposed development. This request would be reasonable in ensuring the satisfactory undertaking and operation of the installed system. The Planning Authority require the final design of the surface water drainage proposals to be compliant with various documents providing technical details for such infrastructure, including the SUDS Manual (CIRIA C753). The surface water and stormwater drainage proposals would be capable of being intercepted and stored on site in a manner that would improve the present situation, while addressing future predicted scenarios based on the information presented in the application. I am satisfied that the requirements of the Planning Authority can be addressed as conditions in the event of a grant of planning permission for the proposed development.

Flood Risk

- 12.8.6. The applicant submitted a Flood Risk Assessment with the application indicating that the site was not at significant risk of flooding (tidal, fluvial, groundwater or pluvial) and asserting that the proposed site drainage measures would not adversely affect the public drainage system or contribute to downstream flooding. Information contrary to this has not been provided in response to the application. Measures to address human / mechanical error are listed by the applicant. Following the approach set out within 'The Planning System and Flood Risk Management –

Guidelines for Planning Authorities', I am satisfied that the site is within an area of low probability for flooding (flood zone C) and the proposed residential and childcare facility development is 'less vulnerable' to flood risk and therefore appropriate for the site.

Conclusion

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

12.9. Procedural Matters

- 12.9.1. The observers have questioned the constitutional basis of the Building Heights Guidelines and the New Apartment Guidelines, including their respective SPPRs, asserting that the Board should refuse to consider and cannot grant permission for the proposed development if relying on these Guidelines. In this regard I note the High Court Judgement (ref. [2023] IEHC 178) delivered in April 2023 dismissing a Judicial Review on similar grounds. I am not aware of any decisions on any subsequent appeals of this judgement. Notwithstanding this, the constitutional basis of national planning guidelines is beyond the scope of this assessment.
- 12.9.2. The observers also assert that the application, including the applicant's planning report, is contrary to planning legislation, including the EIA Directive, and that the applicant has provided insufficient and inadequate information with respect to risk to human health, pollution, construction phase impacts, collision-risk for birds and bats, and the general impact on biodiversity and human health arising from the proposed development. Arising from the various assessments above and in the proceeding sections of my report, I am satisfied that sufficient information has been presented with the application to allow for thorough and comprehensive assessments of the impacts of the proposed development and for conclusions to be reached in this regard.
- 12.9.3. The observers assert that certain matters should not be left over for agreement with the assigned development contractor following the decision or determination of the

application, due to concerns regarding public participation, which they assert would be contrary to the requirements of the EIA Directive. I am satisfied that the imposition of limits by conditions in any grant of permission, as set out below, is a typical, well-established statutory planning measure used in reinforcing the preservation of human health and the environment, as well as other measures where such conditions would not have material impacts on third parties.

12.10. Material Contraventions

- 12.10.1. Under the provisions of section 9(6) of the Act of 2016, the Board may decide to grant a permission for a proposed strategic housing development where the proposed development, or a part of it, contravenes materially the Development Plan relating to the area concerned, albeit with exception to a material contravention of land-use zoning objectives and subject to circumstances provided for under section 37 of the Act of 2000, as outlined below.
- 12.10.2. The application contains a statement indicating why permission should be granted for the proposed development, having regard to the provisions specified in section 37(2)(b) of the Act of 2000, notwithstanding that the proposed development materially contravenes the Dun Laoghaire-Rathdown County Development Plan 2022-2028 with regard to specific statutory planning requirements, other than in relation to the zoning of the land. For reasons outlined above in section 12.2, I am satisfied that a material contravention with respect to current land-use zoning objectives would not arise in the case.
- 12.10.3. The applicant addresses the potential for material contraventions to arise with respect to the proposed development and Development Plan provisions relating to building height, density, unit mix, tree protection and preservation objectives, dual aspect units, external apartment storage and car parking quantum. The Planning Authority refer to potential material contraventions with respect to density and dual aspect units and observers also refer to the potential for material contraventions to arise with respect to the proposed development and the unit mix, public open space, car parking, childcare facilities, ACA impacts and the visual impact. With the exception of building height, density and dual aspect provisions, for reasons outlined above, I am satisfied that material contraventions would not arise regarding the other matters raised by parties to the application.

12.10.4. The applicant addresses non-compliance of the proposals with building height, density and dual aspect provisions in their Material Contravention Statement and in such a situation it is open to the Board to further consider the proposal in terms of material contravention procedures.

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

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

12.10.6. Observers assert that the proposed development is not of strategic or national importance. While I accept that the proposed development would contribute to the achievement of the Government's national policy to increase housing supply within the Dublin metropolitan area, as set out in 'Housing for All – A New Housing Plan for Ireland' (2021) and 'Rebuilding Ireland – Action Plan for Housing and Homelessness' (2016), given the extent of similar permitted and proposed developments in the immediate area and the wider metropolitan area, I am satisfied that it would not be reasonable to conclude that the proposed development is of strategic or national importance. Accordingly, I am satisfied that the provisions set out under section 37(2)(b)(i) are not applicable with respect to the material contravention of the density, building height and dual aspect provisions outlined in the Development Plan and the accompanying Sandyford Urban Framework Plan.

12.10.7. In relation to the matter of conflicting objectives in the Development Plan or objectives that are not clearly stated, as addressed in section 37(2)(b)(ii) of the Act of

2000, I am satisfied that this would not apply in the case of density and building height, as the provisions for same are clearly detailed for the application site in map 2 of the Sandymount Urban Framework Plan and these requirements are not specifically contradicted elsewhere in the Development Plan or the accompanying Framework Plan. In section 12.6.11 above, I have highlighted conflicting references to central areas in the Development Plan, and in this regard I am satisfied that there are conflicting objectives in the Development Plan with respect to dual aspect provisions. Having regard to the provisions of section 37(2)(b)(ii) of the Act of 2000, I am satisfied that a material contravention of the Development Plan with respect to dual aspect provisions is justified in this case.

12.10.8. The observers assert that the proposed development and documentation submitted does not comply with the provisions of the Building Heights Guidelines, including SPPR 3. Based on the assessment undertaken above and the similarities in the criteria listed in table 5.1 to appendix 5 of the Development Plan and section 3.2 of the Building Heights Guidelines, I would share this view.

12.10.9. With regard to section 37(2)(b)(iii) of the Act of 2000, as per my detailed assessments in sections 12.3 and 12.4 above, I am satisfied that the building heights for the proposed development would not be in compliance with SPPR 3(a) of the Building Heights Guidelines, which references criteria set out in section 3.2 of these Guidelines and the development density would not be in compliance with the Sustainable Settlements Guidelines based on the density range applied to an urban neighbourhood in Dublin. Having regard to the provisions of section 37(2)(b)(iii) of the Act of 2000, I am satisfied that a material contravention of the Development Plan with respect to building height and development density is not justified in this case when considering the most relevant guidelines under section 28.

12.10.10. As stated above, the proposals would comply with SPPR 4 of the New Apartment Guidelines, and I am satisfied that the dual aspect proportion of units in the development would be justified based on the provisions of section 37(2)(b)(iii) of the Act of 2000.

12.10.11. In relation to section 37(2)(b)(iv) of the Act of 2000, since the making of the Development Plan in April 2022, I note that the Planning Authority decided to grant permission to fit out and use 14-storey shell of The Sentinel building approximately

450m to the northwest of the application site for 110 apartments, resulting in a density of 275 units per hectare. However, the height and density of The Sentinel development was linked to a specific local objective, as well as the sustainable use of an existing building core, therefore, I do not consider this single decision to be indicative of a pattern of development that would realistically justify a redevelopment proposal on the application site. I understand that 52% of the units in this permitted neighbouring scheme feature dual aspect, thereby not contravening Development Plan provisions or justifying the proportion on the application site. Accordingly, the provisions under section 37(2)(b)(iv) of the Act of 2000 apply with respect to the proposed development materially contravening the building height, development density and dual aspect provisions of the Development Plan would not be applicable.

- 12.10.12. I consider that the provisions of sections 37(2)(b)(i), (ii), (iii) or (iv) of the Act of 2000 have not been met in relation to building height and density and I am satisfied that the Board should refuse to grant permission for the proposed development, as it would materially contravene the density and building height provisions of the Development Plan. Should the Board consider otherwise, I am satisfied that the provisions under sections 37(2)(b)(ii) and (iii) of the Act of 2000 have been met with respect to dual aspect provisions.

13.0 Environmental Impact Assessment

13.1. Statutory Provisions

- 13.1.1. This section sets out an EIA of the proposed project and should be read in conjunction with the planning and appropriate assessment sections of my report. The development provides for 207 residential units and a childcare facility on a gross site area measuring 0.7ha in the Dun Laoghaire-Rathdown County Council area.
- 13.1.2. Item 10 of Part 2 to Schedule 5 of the Planning Regulations and section 172(1)(a) of the Act of 2000 provide that an EIA is required for infrastructure projects that involve:
- (b) (i) construction of more than 500 dwelling units;
 - (b) (iv) urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.

- 13.1.3. The current proposal is an urban development project that would be in a built-up business district. The proposals would not exceed thresholds under Schedule 5 of the Planning Regulations. An EIAR was submitted with the application and the applicant's reasoning for submitting this was based on the fact the subject development and a development on the adjoining Avid Technology site would have amounted to a combined 541 residential units and on a combined site area measuring 1.7 hectares. As stated, permission for this adjoining development has since been refused (ABP ref. 314523-22). The EIAR submitted considered the cumulative impact of these two developments, with an EIAR also submitted with the application for the Avid Technology site redevelopment (ABP ref. 314523-22).
- 13.1.4. Under article 299A of the Planning Regulations, where a planning application for a sub-threshold development is accompanied by an EIAR and a request for a determination under section 7(1)(a)(i)(I) of the Act of 2016 was not made, the application shall be dealt with as if the EIAR had been submitted in accordance with section 172(1) of the Act of 2000.

13.2. **Compliance with the Requirements of Article 94 and Schedule 6 of the Planning Regulations**

- 13.2.1. In the proceeding table, I assess compliance of the EIAR submitted with the requirements of Article 94 and Schedule 6 (paragraphs 1 and 2) of the Planning Regulations.

A description of the proposed development comprising information on the site, design, size and other relevant features of the proposed development, including the additional information referred to under section 94(b).

A description of the proposed development is contained in Chapter 3 of the EIAR, including details on the site location, design, layout and size of the development, arrangements for access, and the construction methodology. In each technical chapter of the EIAR details are provided on use of natural resources and the production of emissions and / or waste where relevant. The proposal involve demolition works, which are described, including within a Resource Waste

Management Plan for Construction and Demolition Waste. I am satisfied that the development description provided is adequate to enable a decision.

A description of the likely significant effects on the environment of the proposed development, including the additional information referred to under section 94(b).

An assessment of the likely significant direct, indirect, and cumulative effects of the development is carried out for each of the technical chapters of the EIAR. I am satisfied that the assessment of significant effects is comprehensive and sufficiently robust to enable a decision on the project.

A description of the features, if any, of the proposed development and the measures, if any, envisaged to avoid, prevent or reduce and, if possible, offset likely significant adverse effects on the environment of the development, including the additional information referred to under section 94(b).

The EIAR includes designed in or embedded mitigation measures and measures to address potential adverse effects identified in technical studies. These measures and arrangements for monitoring, are summarised in Chapter 16 of the EIAR titled 'Mitigation and Monitoring', section 5.4 of the Preliminary CMP and appendix A of the CEMP. Mitigation measures comprise standard good practices and site-specific measures that are capable of offsetting significant adverse effects identified in the EIAR.

A description of the reasonable alternatives studied by the person or persons who prepared the EIAR, which are relevant to the proposed development and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the proposed development on the environment, including the additional information referred to under section 94(b).

Section 3.6 of the EIAR provides a description of the range of alternatives considered, including alternative locations, alternative technology / processes, alternative design, size and scale of development, alternative phasing, alternative mitigation measures and a 'do-nothing' alternative scenario. If the development were not to take place, the lands would remain in the present form featuring vacant

commercial / office buildings, with an opportunity lost to provide 207 residential units and a childcare facility on zoned land.

As the application site lands are zoned in the Development Plan 'to provide for the creation of sustainable residential neighbourhoods and preserve and protect residential amenity', as well as the fact that the environmental sensitivities of the site are not such as to preclude development per se, I am satisfied that alternative locations would not need to be considered in detail. The permitted in principle and open for consideration uses for this site are prescribed within the zoning objectives in the Development Plan, which facilitate the development of the site for build-to-rent apartments and other restricted potential uses.

The process in arriving at the subject proposals, including consultation with various parties and design team deliberations, is provided as part of section 5 to the applicant's Planning Report and Statement of Consistency and section 3.6.4 of the EIAR, including the alternative designs and layouts considered. Various opportunities and constraints in relation to the development of the site and an adjoining property to the east, the Avid Technology site, in particular the road accesses, public realm upgrades, trees and the immediate surroundings, are stated to have influenced the design and scale of the final proposed project, as presented. It is clear from the various documents submitted as part of the application, including the Architectural Design Statement, Landscape Design Statement, Energy Analysis Report, Stage 1 Quality Audit, Engineering Assessment Report and Building Lifecycle Report, that numerous reasonable alternatives needed to be considered in arriving at the finalised scheme. The Building Lifecycle Report and Energy Analysis Report refer to the options being considered in order to achieve energy efficiencies and carbon reductions.

I am satisfied that at the time of lodging the application, there were no alternative processes having regard to the nature of the proposed project relative to the legislative planning procedures.

I am satisfied, therefore, that the applicant has studied reasonable alternatives in assessing the proposed development and has outlined the main reasons for opting for the current proposal before the Board, and in doing so the applicant has taken into account the potential impacts on the environment.

A description of the baseline environment and likely evolution in the absence of the development.

The baseline environment is addressed in each technical chapter within the EIAR, and the likely evolution of this environment in the absence of the proposed development is described, with particular reference to 'do-nothing scenarios'.

A description of the forecasting methods or evidence used to identify and assess the significant effects on the environment, including details of difficulties (for example technical deficiencies or lack of knowledge) encountered compiling the required information, and the main uncertainties involved.

The methodology employed in carrying out the EIA, including the forecasting methods, is set out in each of the individual chapters assessing the environmental effects.

The applicant has indicated in section 1.9 of the EIAR and each subsequent chapter where difficulties have been encountered (technical or otherwise) in compiling the information to carry out EIA. I comment on these, where necessary in the assessment below and for the reasons stated, I am satisfied that forecasting methods overall are adequate in respect of likely effects, including methods applied to account for Covid-19 pandemic restrictions when modelling for traffic, air and noise flows.

A description of the expected significant adverse effects on the environment of the proposed development deriving from its vulnerability to risks of major accidents and/or disasters which are relevant to it.

This issue is specifically dealt with in section 3.7 of the EIAR. Only low risks have been identified in relation to the project's vulnerability to major accidents and / or disasters. There are no upper or lower-tier Seveso establishments within 5km of the site and the measures to address risks from spills and potential pollution events, flooding, fire / explosion, the interaction with the general public and roads, debris falls and aircraft collision are addressed. Risks of landslides are not considered substantive in this location particularly given the relatively flat terrain.

The proposed development is primarily residential in nature and will not require large-scale quantities of hazardous materials or fuels, and the proposed uses are unlikely to present significant risk of major accidents or disasters. Having regard to the location of the site, as well as the zoning of the site, I am satisfied that there are unlikely to be any significant effects of the project deriving from major accidents and / or disasters.

Article 94 (c) A summary of the information in non-technical language.

The EIAR submitted with the application comprises a non-technical summary (Volume I), and a main report (Volume II) with appendices. I have read the Non-Technical Summary document, and I am satisfied that the document is concise and comprehensive and is written in a language that is easily understood by a lay member of the public.

Article 94 (d) Sources used for the description and the assessments used in the report.

The sources and references used to inform the description, and the assessment of the potential environmental impacts are set out at the end of each individual chapter in the EIAR. I consider the sources relied upon are generally appropriate and sufficient in this regard.

Article 94 (e) A list of the experts who contributed to the preparation of the report.

A list of the various experts who contributed to the EIAR are set out in Table 1.2 in Chapter 1 of the EIAR. Where relevant, I am satisfied that the introductory section of each of the EIAR chapters demonstrates the competence of the individuals who prepared each chapter of the EIAR, including details relating to expertise and qualifications.

13.3. Consultations

- 13.3.1. The application has been advertised and submitted in accordance with the statutory requirements. Public participation and consultation are an integral part of the strategic housing development process. Direct and formal public participation in the

EIA process was undertaken through the statutory planning application process under the strategic housing development procedures (see section 5 above).

13.3.2. This EIA has had regard to the submissions received from the Planning Authority, the prescribed bodies and members of the public, which are summarised above in sections 9, 10 and 11 of this report. Several of the topics and issues raised by the observers that concern environmental matters have already been addressed in the planning assessment above, however, where relevant I have cross-referenced between sections to avoid repetition.

13.3.3. I am satisfied that appropriate consultations have been carried out and that third parties have had the opportunity to comment on the proposed development in advance of decision making.

13.4. Compliance

13.4.1. Having regard to the foregoing, I am satisfied that the information contained in the EIAR, and the associated supplementary information provided with this by the developer, is sufficient to comply with article 94 of the Planning Regulations. Matters of detail are considered in my assessment of likely significant effects below.

13.5. Likely Significant Direct and Indirect Effects

13.5.1. The EIAR describes and assesses the direct and indirect significant effects of the project on the following factors; (a) population and human health; (b) biodiversity, with particular attention to species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC; (c) land, soil, water; air and climate; (d) material assets, cultural heritage and the landscape. It also considers the interactions between factors (a) to (d).

13.5.2. A decommissioning phase for the project, has not been assessed due to the intended permanent residential nature of the development, with a Building Lifecycle Report prepared to achieve a durable standard of development that will not require regular fabric replacement or maintenance outside general day-to-day care and as a means to provide longevity to the development. Should the proposed buildings be demolished, further permission would be required, and it is assumed that the

legislation, guidance and good practice at that time would be followed, and the effects are likely to be similar to the proposed construction effects.

13.6. Population and Human Health

Issues Raised

- 13.6.1. Issues were raised in the course of the planning application by observers asserting insufficient and inadequate information is included with the application regarding the risk to human health arising from the proposed development. The Environmental Section of the Planning Authority refer to the need for liaison by the developer with the public during the construction phase. The Environmental Health Officer from the Planning Authority refers to the need for monitoring of noise, air and dust emissions arising from the construction phase of the project, with particular regard to the adjacent IVM House site proposals (ABP ref. 313209-22).

Context

- 13.6.2. Impacts of the project on population and human health are addressed in chapter 4 of the EIAR. The methodology for the assessment is described, as well as the study area receiving environment and the sources referenced. The assessment is undertaken having regard to the requirements set out in government and industry guidelines for EIA. The assessment methodology includes site surveys, a desk-top survey on human health and the population baseline environment, remote sensing and reference to planning policy. The approach undertaken to derive the significance of effects from the receptor value and the magnitude of impacts is outlined. There are certain limitations with respect to the baseline demographic assessment relying on data collated up to 2016, given that more up-to-date census data for 2022 has since been released in stage form by the Central Statistics Office (CSO). In this regard I note that the small area used for statistical analysis purposes in which the application site is located (CSO ref. 267078012) featured an increase of 158 persons over the 2016 to 2022 period, reflective of the emerging mixed-use profile of the area. While the limitations in relying on 2016 data are noted, I would accept that this would be unlikely to have a significant impediment to the assessment of likely effects of the development on human health and population.

Baseline

13.6.3. The assessment considers attributes and characteristics associated with local land uses, neighbouring facilities and services, transport, health and safety, demographics and human health. The baseline environment with respect to these factors is described throughout my report above, including section 2.

Potential Effects

Table 13.1: Summary of Potential Effects

Project Phase	Potential Direct, Indirect and Cumulative Effects
Do Nothing	Residential units and associated amenities would not be provided at the site and the population and social patterns of the study area would remain.
Construction	<p>Direct, slight, short-term adverse effects for human health predicted to arise from nuisance associated with construction activity (noise, vibration, air quality and traffic).</p> <p>Adverse effects for human health from release of asbestos possibly within the existing buildings during demolition works.</p> <p>Positive economic effects predicted to arise from the employment and business created during the construction activity.</p> <p>Direct, short term effects for the health and safety of those working on the construction site, as well as those passing the construction activities.</p>
Operation	<p>Direct effects of increased housing for the local population in the area with long-term indirect positive effects for local services from the increased critical mass.</p> <p>Increased amenity space associated with the public open space proposed.</p> <p>Direct, slight adverse effects on sunlight and daylight predicted to largely be within target limits and not significantly impacting on existing neighbouring uses dominated by commercial units.</p>

	<p>Direct effects for the safety of the local population arising from impacts on wind microclimate, with benefits predicted to arise for areas around the site via resultant calmer conditions.</p> <p>Direct effects for the local population arising from impacts on landscape, reducing overtime as the population become accustomed to the development.</p>
Cumulative	Other major residential developments within 1km of the site are noted. There are no substantial developments permitted in the immediate area of the site at present.

Mitigation

13.6.4. Mitigation measures are set out in relation to each of the potential effects of the project. Measures are quite extensive and, in particular, include those proposed under noise and vibration, materials assets (traffic) and air quality, as set out in relation to the project CEMP and preliminary CMP to prevent nuisance and undue impacts to human health, such as dust and noise monitoring, controlling emissions to appropriate levels through the use of standard management measures and controlling construction hours and delivery times / haul routes. The Property Management Strategy Report outlines measures to safeguard residents during the operational phase. Furthermore, the imposition of limits by conditions in any grant of permission would further reinforce the preservation of human health.

Residual Effects

13.6.5. With the implementation of mitigation measures, including monitoring, residual effects of the project are set out in section 4.9 of the EIAR. These measures provide that no significant residual effects on human health or population will arise.

Direct and Indirect Effects Assessment

13.6.6. I have examined, analysed and evaluated chapter 4 of the EIAR, all of the associated documentation and submissions on file in respect of human health and population. I am satisfied that the applicant's presented baseline environment, is comprehensive and that the key impacts in respect of likely effects on human health and population, as a consequence of the development, have been identified. Parties

to the application have raised a number of issues in respect of human health and population, which I address below.

- noise;
- dust;
- cumulative effects.

13.6.7. In relation to nuisance arising from increased noise and dust during the construction phase, I am satisfied that these impacts would be mitigated by a suite of appropriate construction phase management measures, including implementation of measures within the dust mitigation measures (section 5.3 of appendix 8.1 to the EIAR), measures in section 9.7 of the EIAR to control noise to specific target levels, and monitoring, resulting in no significant residual effects for human health.

13.6.8. In relation to cumulative effects, I note that the adjacent IVM House site proposals (ABP ref. 313209-22) referenced by the Environment Section of the Planning Authority await a decision from the Board. The adjoining development on the Avid Technology site (ABP ref. 314523-22) has been refused permission. Impacts on neighbouring amenities are assessed under section 12.5 of my report above, with no significant impacts expected to arise in this regard. Other neighbouring projects would need to incorporate their own measures to limit emissions during construction, and any potential cumulative impacts arising would be short term.

Direct and Indirect Effects Conclusion

13.6.9. Having regard to the examination of environmental information in respect of human health and population, in particular the EIAR provided by the applicant and the submissions from the Planning Authority and observers in the course of the application, it is considered that the main significant direct and indirect effects on human health and population are, and will be mitigated as follows:

- significant direct positive impacts for population, due to the substantive increase in the housing stock during the operational phase;
- direct negative effects arising for human health during the construction phase, which would be mitigated by a suite of appropriate construction phase management measures, including dust management, noise minimisation measures and monitoring, resulting in no residual impacts on human health.

13.7. Biodiversity

Issues Raised

- 13.7.1. Observers to the application assert that insufficient and inadequate information is included with the application regarding the collision-risk for birds and bats, and the general impact on biodiversity. A submission from Inland Fisheries Ireland refers to the need to protect downstream water quality during construction and operation phases. The Planning Authority state that there would be no impact on bird or bat-sensitive areas and they request that the recommendations of the ecological report submitted with the application are implemented in full.

Context

- 13.7.2. Chapter 5 of the EIAR addresses impacts on biodiversity with an ecological report and a bat survey report forming appendices to this chapter. A detailed list of references providing guidance for this part of the assessment is initially set out in the EIAR. The methodology for the assessment incorporated a desktop survey, identification of sensitive ecological sites and fieldwork, including a bird survey, a non-volant mammal survey and a bat survey undertaken between July 2020 and January 2022. It is noted that an AA Screening report for the project was provided as a separate standalone document accompanying the application. Section 14 of my report assesses the proposed development in the context of the conservation objectives for designated European sites within the zone of influence of the project. As with every chapter of the EIAR, the criteria used in establishing the nature of the impact arising from the proposed development is set out.
- 13.7.3. The applicant noted a couple of limitations to their surveys, including the phase 1 habitat survey undertaken outside the optimum survey period for botanical and habitat surveys and the breeding bird season (April to September). Due to the nature of the habitats and features recorded within the proposed development site and the surrounding built-up urban context, the timing of these surveys is not deemed to be a significant limitation in this instance.

Baseline

- 13.7.4. Habitats identified on site are listed and illustrated in figure 5.4 of the EIAR. The site is stated by the applicant to be dominated by buildings and artificial surfaces (BL3)

with other habitats on site comprising hedgerows (WL1), treelines (WL2), amenity grassland (improved) (GA2), flower beds and borders (BC4), and ornamental / non-native shrub habitats. The site features numerous trees and hedgerows, 51 of which would be removed as part of the proposed development, and these are primarily located along the perimeters of the site. A detailed list of species and their conditions is provided in the applicant's Arboricultural Assessment. No Annex I habitats were recorded within the application site during the applicant's habitat surveys, while 11 bird species, including Herring Gull were observed or heard during walkover surveys. Limited potential for the site to be frequented or utilised by mammals, including bats, is asserted by the applicant. Only non-significant invasive species, Cotoneaster and Buddleia, were recorded on site. The site is of negligible to low ecological value. Fitzsimons Wood proposed Natural Heritage Area (pNHA) (site code: 001753), a semi-natural woodland that holds species of plants and animals whose habitat need protection, including Smooth Newt, is located 1.6km to the west of the application site.

Potential Effects

Table 13.2: Summary of Potential Effects

Project Phase	Potential Direct, Indirect and Cumulative Effects
Do Nothing	The site would remain and the hardstanding may degrade allowing for some vegetative colonisation, potentially invasive in nature, with a limited increase in biodiversity value.
Construction	<p>Direct permanent loss of trees or damage to trees, with indirect impacts for associated species reliant on these trees.</p> <p>Direct effects for water should there be a measurable increase in nutrient loading or sedimentation to offsite aquatic habitat.</p>
Operation	<p>Direct permanent effects for water should there be a measurable increase in nutrient loading to offsite aquatic habitat during occupation.</p> <p>Direct effects for bird species due to collision with buildings.</p>

	Impacts to bat habitat – foraging and commuting with roosting habitat not identified.
Cumulative	Other major residential and infrastructure developments within 1km of the site are noted.

Mitigation

- 13.7.5. The proposed development appears to largely address the potential primary impacts on habitats on and off the site via measures that are embedded in the overall design of the scheme and the construction methods.
- 13.7.6. To address potential impacts of the project on local ecology, the applicant sets out various avoidance, remedial and alleviation measures to address the negative impacts, including tree protection measures during the construction phase, as well as design measures to avoid impacts to tree-root systems. Various measures would be employed to control surface water runoff, including bunding, and any increased loading to wastewater networks will be addressed via treatment of wastewaters arising at Ringsend WWTP. Ecological monitoring of vegetation would be undertaken, including implementation of an invasive species management plan. Removal and timing of tree removal works would avoid the bird nesting season. Replacement tree planting and other planting would be undertaken to in some means address the loss of existing trees and planting.

Residual Effects

- 13.7.7. With the implementation of mitigation measures, including monitoring, residual effects of the project are not considered by the applicant to be significant. Any impacts on ecological features would be imperceptible according to the applicant.

Direct and Indirect Effects Assessment

- 13.7.8. I have examined, analysed and evaluated chapter 5 of the EIAR, all of the associated documentation and submissions on file in respect of biodiversity. I am satisfied that the applicant's presented baseline environment, is comprehensive and that the key impacts in respect of likely effects on biodiversity, as a consequence of the development have been identified. Parties to the application have raised a number of issues in respect of biodiversity, which I address below.

- bird collision risk;

- bats, including collision risk;
- surface water quality.

13.7.9. As the proposed building would not wholly comprise of reflective materials, and it is not noted by any parties to the application to be located along a typical commuting or foraging route for birds, the proposed development is not considered to pose a significant risk of collision for birds. Any bird species using the areas neighbouring the planning application site will adapt to the changing nature of the site as the construction phase progresses and for this reason I am satisfied that the risk of bird collisions is negligible.

13.7.10. Bats or evidence of bats using the site for roosting purposes, including the trees on site, was not identified during surveys, and it was concluded that the site was of negligible value to bat species for such purposes. High levels of artificial lighting existing along the roadside were noted as being a possible deterrent to bat activity in the area, and bat activity (commuting or foraging) is considered not to be significant in this part of the wider business park. The Ecological Impact Assessment submitted with the application for the IVM House site (ABP ref. 313209-22) noted that two species of bats were identified foraging or commuting through this adjacent site, but the general level of bat activity recorded was low. Given the low level of bat activity recorded as occurring in this area, the nature of the site and surrounding context and the intention to employ bat-sensitive lighting as part of the project lighting strategy, the proposed development would have negligible impact for bat species. Evidence to suggest that the proposed buildings, which would be permanent-fixed features in the landscape and immovable, would present a substantive collision risk to bat species has not been demonstrated.

13.7.11. The Planning Authority consider the proposals to be suitably considerate of bird or bat-sensitive areas and the measures to address impacts on water quality, as set out by Inland Fisheries Ireland in their submission, can be reinforced as part of the project final CEMP. I address the impacts on water further below in section 14.9.

Direct and Indirect Effects Conclusion

13.7.12. Having regard to the examination of environmental information in respect of biodiversity, in particular the EIAR provided by the applicant and the submissions from the Planning Authority and observers in the course of the application, it is

considered that the main significant direct and indirect effects on biodiversity are, and will be mitigated as follows:

- direct negative effects arising for aquatic habitat during the construction phase, which would be mitigated by a suite of appropriate construction phase surface water management measures, including sediment and pollution control measures, resulting in no residual impacts on biodiversity.

13.8. Land, Soil & Geology

Issues Raised

13.8.1. Specific issues in relation to land, soil and geology are not raised.

Context

13.8.2. Chapter 6 of the EIAR addresses land, soils and geology, with the applicant initially setting out the legislative and policy context for the assessment. This section of the EIAR was not supported by on-site investigations, such as trial pits or boreholes.

The applicant refers to ground investigations on the Avid Technology site as informing the soil and geology situation on the application site. They also state that investigations were not undertaken on the application site due to the existing buildings being located on site.

13.8.3. There would be certain limitations with respect to a baseline soil and geology assessment solely relying on mapped data and a visual inspection. Furthermore, the existing buildings do not cover the entire site, with scope for testing the subsurface characteristics in soft lawn areas in particular. Given the availability of site investigations survey results for the adjoining site, the mapped findings revealing soil and geology comparisons with the adjoining site and the nature and scale of the subject proposals, the absence of detailed on site surveying would not present substantive limitations with respect to an understanding of soil and geology conditions and the impact of the development on same.

Baseline

13.8.4. The planning history for the site is set out initially in the EIAR, referring to the permission for a factory and offices on the site in 1978, and several subsequent alterations to the permitted buildings. The Geological Survey of Ireland (GSI)

indicate the site bedrock geology is dominated by granite and Teagasc soil mapping indicates that the site features till derived from limestones. Gravelly silt and clay are suggested as overlying the site to a depth of 0.6m with glacial till / boulder clay below this. The tested bedrock geology correlated with the mapped granite geology. Negligible gas was noted during monitoring for same on the adjoining site, while the extrapolated samples of fill and made ground suggest that this material would be likely to be acceptable as waste at inert sites.

- 13.8.5. There are no county geological sites within the immediate area of the application site, with the closest of such sites, Killiney Bay coastline (ref. DLRC007), located almost 7km to the east of the site. The Environmental Protected Agency (EPA) online mapping service shows that between 5% and 10% of homes in the immediate area are estimated to feature high-radon levels. There are no quarries within the immediate vicinity of the site, and the site has low susceptibility to landslides.
- 13.8.6. The applicant refers to the potential existence of an underground storage tank or tanks containing hydrocarbons, although they are not aware of the precise locations of any such tanks, which I am satisfied would need to be identified in order to address the effects of the development on land, soil and geology.

Potential Effects

Table 13.3: Summary of Potential Effects

Project Phase	Potential Direct, Indirect and Cumulative Effects
Do Nothing	There would be potential for continued fly-tipping on the site.
Construction	<p>Direct effects to soil and geology arising from damage to tanks containing hydrocarbons, which are understood to be situated on site and need to be identified before any excavation or works impacting on ground conditions commence.</p> <p>Removal of materials off site and the operation of construction activities on site requiring safe control of wastes and other materials, such as fuels.</p> <p>Dewatering leading to destabilisation and / or subsidence of soils during excavation works.</p>

Operation	Activities that might impact land quality or future occupiers during operation, for example, leaks and spills.
Cumulative	Reference is made to projects in the wider area that are identified in chapter 15 of the EIAR and the potential for the work to be undertaken concurrently with the Avid Technology site proposals (ABP ref. 314523-22), which have been refused permission.

Mitigation

- 13.8.7. Mitigation measures are set out to include site investigations to make up for shortfalls in investigating the potential for contamination to groundwater and to identify the precise location of potential underground storage tanks. Measures are set out in the submitted Resource and Waste Management Plan and CEMP highlighting materials that could potentially be identified on site, including hydrocarbons and asbestos, and a final Resource and Waste Management Plan and CEMP, with good practices and method statements to handle and control dealing with any uncontaminated or contaminated materials, should be prepared and implemented. A project preliminary CMP would employ measures to address traffic impacts on local roads, as well as the monitoring of stored plant, equipment and materials. Measures to address the control of pollution and the control of debris and materials from being deposited on roads adjoining the site are set out in the project CEMP, including wheel washing.
- 13.8.8. Embedded design elements of the project include limited depths for basements to reduce the amount of soil and material to be exported from the site. Materials would be reused on site where this is possible. During the operation stage a property management strategy would be employed to address the upkeep and maintenance of the facilities, including landscaping. Specific monitoring measures are not proposed for land, soils and geology, although I would note the landscape maintenance and defects measures (appendix 3 to the Landscape Design Statement).

Residual Effects

- 13.8.9. With the implementation of mitigation measures, including embedded and additional measures, residual effects of the project are set out in table 6.7. These provide that no significant residual effects on land soils and geology will arise.

Direct and Indirect Effects Assessment

- 13.8.10. I have examined, analysed and evaluated chapter 6 of the EIAR, all of the associated documentation and submissions on file in respect of land, soil and geology. I am satisfied that the applicant's presented baseline environment, is reasonably comprehensive and that the key impacts in respect of likely effects on land, soil and geology, as a consequence of the development have been identified. The altered use of the land is not considered to be a significant effect of the project.
- 13.8.11. In relation to the potential to impact on land, soils and geology, I am satisfied that these impacts would be mitigated by a suite of appropriate construction phase management measures, including pre-construction / excavation surveying for underground tanks and implementation of measures within the preliminary CMP and CEMP, as well as the embedded mitigation listed in section 6.5.2 of the EIAR, resulting in no significant residual effects for land, soils and geology.

Direct and Indirect Effects Conclusion

- 13.8.12. Having regard to the examination of environmental information in respect of land, soils and geology, in particular the EIAR provided by the applicant, and the submissions from the Planning Authority and observers in the course of the application, it is considered that the main significant direct and indirect effects on land, soils and geology are, and will be mitigated as follows:
- significant direct negative effects arising for land, soils and geology during the demolition phase, which would be mitigated by on site investigations to address potential for dewatering and to identify any locations of underground fuel storage tanks;
 - direct negative effects arising for land, soils and geology during the construction phase, which would be mitigated by a suite of appropriate construction phase management measures, including method statements to handle and control contaminated materials should they be found.

13.9. Water

Issues Raised

- 13.9.1. Issues were raised in the course of the planning application by Inland Fisheries Ireland referring to the need for various actions and measures to be adhered to in order to limit the release of pollution and sedimentation to receiving surface waters. It is also stated that foul wastewaters arising from the proposed development must be capable of being treated in Ringsend WWTP. The Planning Authority is generally satisfied with the drainage proposals submitted with the application, requesting that planning conditions be attached in relation to certain drainage infrastructure matters, while also noting the applicant's conclusions with respect to flood risk.

Context

- 13.9.2. Impacts of the project on water are addressed in chapter 7 of the EIAR. The legislative and policy context for the assessment is initially set out, followed by the methodology for the assessment, including a qualitative assessment setting out the baseline conditions. The approach undertaken to derive the significance of effects from the receptor value and the magnitude of impacts is outlined. The assessment relies on results from two infiltration tests undertaken on the adjoining Avid Technology site. I do not consider this a substantive limitation of the assessment, given the proximity of the tests locations to the application site and the nature of the subject proposals.

Baseline

- 13.9.3. According to the applicant there are no watercourses on the site. The ground on site falls gradually north towards Carmanhall Road and the surrounding watercourses all flow eastwards to the Irish sea. Groundwater levels in the immediate granite bedrock topped by glacial till were measured at depths of between 2m and 3m below ground level. Limited potential for lateral groundwater flows were asserted to arise. Groundwater vulnerability is identified as being 'moderate' across the site.
- 13.9.4. Under the Water Framework Directive (WFD) the overall status of the Kilcullen groundwater body (EPA ref. IE_EA_G_003) underlying the application site, was assessed as being 'good' (between 2016 and 2021), although this waterbody is considered 'at risk' of not achieving good water quality status for the purposes of the

WFD. The proposed development site lies within the Liffey and Dublin bay catchment and the Dodder sub-catchment. The Carrickmines river is located 350m to the south of the site. It features culverted sections, including sections through the business park, and converges with the Cabinteely stream (Loughlinstown river) before joining with the Shanganagh river and finally discharging to the Irish sea at Killiney bay. The Brewery stream is situated 800m to the northeast of the site. Figure 7-4 of the EIAR illustrates the locations of these watercourses relative to the application site.

- 13.9.5. Under the WFD, the Carrickmines river and downstream fresh watercourses feature 'good' water quality status and they are 'not at risk' of achieving good water quality status for the purposes of the WFD. The Southwestern Irish sea – Killiney Bay (HA10) coastal waterbody (EPA ref. IE_EA_100_0000) is assigned a 'high' water quality status, with this waterbody 'not at risk' of achieving good water quality status for the purposes of the WFD. The closest GSI mapped well or spring is located approximately 2km to the east of the site. Low risk of flooding was identified for the site. A connection to existing surface water infrastructure running under Carmanhall Road is proposed and with agreement from Uisce Éireann it is intended to connect into foul sewer and water supply networks running along the northern side of the application site.

Potential Effects

Table 13.4: Summary of Potential Effects

Project Phase	Potential Direct, Indirect and Cumulative Effects
Do Nothing	Impacts on water would be unlikely to change.
Construction	<p>Direct, short-term effects for water predicted to arise from the construction, excavation, drilling and piling activities, including release of sediment, hydrocarbons and leaching.</p> <p>Direct effects for the groundwater from the basement and foundation works that could lead to changes in groundwater levels and flow regimes, as well as dewatering.</p> <p>Direct effects to surface water drainage leading to flood risk.</p>

Operation	Effects for groundwater and surface water arising from a revised recharge regime given the increased hardstanding area, and the increased demand on drainage and water supply networks.
Cumulative	Other major residential developments within 1km of the site are noted. There are no substantial developments permitted in the immediate area of the site.

Mitigation

- 13.9.6. Embedded mitigation measures forming part of the overall development are initially set out in relation to the potential effects of the project on water. Measures are quite extensive and include those proposed in the Resource and Waste Management Plan, the project CEMP and the preliminary CMP to prevent release of hydrocarbons, sediment and other potential pollutants to water, as well as maintaining of the drainage regime. These measures would be guided by site investigations for the application site, as well as best practice measures and guidance that would be adhered to for various activities and in the movement of materials. The efficacy of such measures, including control of surface water runoff, monitoring of environmental conditions and fuel storage, all managed as part of a final CEMP, are well established in practice. During the operation phase maintenance and management measures for development infrastructure and facilities would be undertaken to address impacts to water, including undertaking and implementing SUDS. Audits of the stormwater network would also be undertaken for the operational phase of the development to ensure the effectiveness of this infrastructure.

Residual Effects

- 13.9.7. With the implementation of mitigation measures, residual effects of the project are set out in table 7.7 of the EIAR. These provide that no significant residual effects on water will arise and that there would be some benefits to surface water discharge rates consequent to the SUDS measures curtailing runoff to greenfield rates.

Direct and Indirect Effects Assessment

- 13.9.8. I have examined, analysed and evaluated chapter 7 of the EIAR, all of the associated documentation and submissions on file in respect of water. I am satisfied

that the applicant's presented baseline environment, is reasonably comprehensive and that the key impacts in respect of likely effects on water, as a consequence of the development have been identified. Parties to the application have raised a number of issues in respect of water which I address below.

- sedimentation release and pollutant control;
- surface water management;
- wastewater treatment capacity.

13.9.9. In relation to the potential for excess sediment and pollutants to enter receiving waters during the construction phase, I am satisfied that these potential impacts would be mitigated by a suite of appropriate construction phase management measures, including the implementation of measures within the CEMP and the various stated good construction practice measures, resulting in no significant residual effects for water.

13.9.10. As addressed in section 12.8 of my report above, the project would feature an array of surface water management measures, including SUDS, which would restrict surface water discharge from the site to greenfield runoff rates, with fuel interceptors installed to remove hydrocarbons.

13.9.11. As also addressed in section 12.8 of my report above, Uisce Éireann has confirmed capacity in the receiving wastewater infrastructure network to cater for the increased demand arising from the project.

Direct and Indirect Effects Conclusion

13.9.12. Having regard to the examination of environmental information in respect of water, in particular the EIAR provided by the applicant and the submissions from the Planning Authority and observers during the course of the application, it is considered that the main significant direct and indirect effects on water are, and will be mitigated as follows:

- direct negative effects arising for water during the construction phase, which would be mitigated by a suite of appropriate construction phase management measures, including sediment and pollution-control measures, resulting in no residual impacts on water.

13.10. Air and Climate

Issues Raised

- 13.10.1. The Environmental Section of the Planning Authority refer to the need for monitoring of dust and recording of same in a monitoring report to be updated weekly.

Context

- 13.10.2. Chapter 8 of the EIAR deals with air and climate, with the applicant initially describing the site context before setting out the legislative and policy context for the assessment. This section of the EIAR was supported by a construction dust risk assessment (appendix 8.1), estimations of the traffic volumes associated with the project and an Air Dispersion Modelling Report (appendix 8.2). The applicant refers to the reduced traffic volumes in the area during Covid restrictions, as negating the need for air quality monitoring around the site. I am satisfied that use of existing air quality information based on similar locations sourced from EPA data in order to allow for modelling of future scenarios would allow for the impacts of the project on air quality to be predicted in a reasonable manner. Human receptors within 350m of the site are stated to be at most risk of air quality impacts arising from the development. Chapter 12 of the EIAR comprises an assessment of the wind microclimate arising from the proposed development, which was undertaken following a wind microclimate analysis based on three-dimensional modelling of the immediate environs, the proposed development and other criteria.

Baseline

- 13.10.3. The baseline environment is described based on air quality details from the EPA and weather conditions from Met Éireann. Westerly prevailing winds are noted, as well as average monthly air temperatures typical for this context. Annual mean concentrations of particulate matter, nitrogen oxide and nitrogen dioxide in locations such as Dún Laoghaire and Ballyfermot during 2019 and 2020 are detailed in table 8.7 of the EIAR. Potential receptors in the immediate area are identified. Estimates and quantities of potential greenhouse-gas emissions from the operation phase of the project are referenced in the EIAR. Section 12.4.2.1 of the EIAR sets out that wind speeds are currently within tenable conditions at the site and the immediate environs, and in general they are comparable to the wind speed of the undisturbed flow for the direction considered.

Potential Effects

Table 13.5: Summary of Potential Effects

Project Phase	Potential Direct, Indirect and Cumulative Effects
Do Nothing	No potential change in air quality, climate or microclimate would arise.
Construction	Release of particulate matter during demolition and construction works, including via vehicle movements and earthworks. Increased release of pollutants, including greenhouse gases from plant and machinery.
Operation	Increased release of greenhouse-gas emissions from building services. Direct adverse effects for microclimate arising from altered site conditions, including taller buildings, which would result in unsafe or unsuitable conditions for persons on site and passing the site.
Cumulative	Reference is made to the projects in the wider area identified in chapter 15 of the EIAR. The wind microclimate is considered in conjunction with the adjoining Avid Technology site redevelopment (ABP ref. 314523-22).

Mitigation

13.10.4. Mitigation measures are set out in table 8.10 and appendix 8.1 of the EIAR to minimise dust emissions, including a dust management plan forming part of the project CEMP, which would include monitoring and assessment during the construction phase to address dust deposition impacts arising on the site boundaries to ensure measures are working satisfactorily. Other projects within 350m of the site would need to incorporate their own dust management and minimisation measures, and any potential cumulative impacts arising would be short term. Traffic volumes for the operational phase of the development have been modelled and significant impacts are not envisaged for air quality, primarily as the expected resultant air pollutant concentrations would be in compliance with the respective air quality standards.

13.10.5. High-performance buildings are stated to be proposed in order to reduce the amount of energy required in the development and green infrastructure is also proposed, as well as the encouragement of walking, cycling and other more sustainable modes of transport. Various energy-efficiency and performance measures to address regulatory requirements are set out in the project Energy Analysis Report. Drought tolerant plant species are to be considered for the landscaping on site, cognisant of potential climate change effects. Embedded elements of the design are indicated to reduce the wind microclimate impact, particularly the parapet walls enclosing the communal roof terraces.

Residual Effects

13.10.6. With the implementation of mitigation measures, including the embedded and additional measures, residual effects of the project on air quality and climate are set out in sections 8.7 and 8.8 of the EIAR. These provide that no significant residual effects on air quality and climate will arise. Despite some minor wind-tunnelling effects, wind speeds would be within tenable conditions, and there would be no significant residual effects arising for the wind microclimate.

Direct and Indirect Effects Assessment

13.10.7. I have examined, analysed and evaluated chapters 8 and 12 of the EIAR, all of the associated documentation and submissions on file in respect of air quality, climate and microclimate (wind). I am satisfied that the applicant's presented baseline environment, is comprehensive and that the key impacts in respect of likely effects on air quality, climate and microclimate (wind), as a consequence of the development have been identified.

13.10.8. In relation to the potential to impact on air quality, as would be expected, there is potential for dust emissions to occur from earthworks, construction works and vehicular movements during the construction phase to sensitive receptors and the atmosphere in the vicinity. I am satisfied that such impacts would be mitigated by a suite of appropriate construction phase management measures, including implementation of a dust management plan as part of the final project CEMP. The expected greenhouse gas emissions would have negligible impact on the climate given the proportionate impact relative to Irish emissions limits.

13.10.9. In relation to wind microclimate, the modelling reveals that no part of the development would be unsafe and that there would be some beneficial effects for the surrounding wind microclimate as a result of the sheltering impact of the proposed buildings. Furthermore, the balconies, terraces and podiums would be capable of either short or long-term sitting by future residents of the development.

Direct and Indirect Effects Conclusion

13.10.10. Having regard to the examination of environmental information in respect of air quality, climate and microclimate (wind), in particular the EIAR, the CEMP and Energy Analysis Report provided by the applicant, and the submissions from the Planning Authority and observers in the course of the application, it is considered that the main significant direct and indirect effects on air quality, climate and microclimate (wind) will be mitigated as follows:

- direct negative effects arising for air quality during the construction phase, which would be mitigated by a suite of appropriate construction phase management measures, including a dust management plan.

13.11. Noise and Vibration

Issues Raised

13.11.1. The Environmental Section of the Planning Authority refer to the proposals as not featuring adequate consideration and details with respect to noise attenuation mitigation measures to minimise nuisance to adjoining properties and the development per se. In this regard, they suggest the development and implementation of a noise management plan to avoid the creation of nuisance. The Environmental Section of the Planning Authority also refer to the need for monitoring of noise and vibration and recording of same in a report to be updated weekly. In relation to noise monitoring the Environment Section refer to the recommendations of BS 5228.

13.11.2. The Environmental Health Officer from the Planning Authority refers to the need for a baseline noise survey to be undertaken for the project based on BS 8233 and 'Professional Practice Guidance on Planning and Noise for new Residential Development', with the need to predict the impacts of the demolition and

construction phase of the project alongside the adjacent IVM House site proposals (ABP ref. 313209-22).

- 13.11.3. The Chief Executive Officer from the Planning Authority refers to the need for noise mitigation measures in controlling use of the proposed roof terraces, which would serve as communal open spaces.

Context

- 13.11.4. Impacts of the project on noise and vibration are addressed in chapter 9 of the EIAR, with a series of appendices included with respect to the noise data collated to inform this part of the assessment. The methodology for the assessment is described, as well as the study area receiving environment and the sources referenced. The nearest sensitive receptors to the application site are identified and a baseline noise survey was undertaken to provide a reasonable representation of the background noise environment to inform the assessment. The EIAR outlines the noise level standards to be achieved as part of the development, in particular allowing for the plant and works during construction and the potential increase in road traffic. The applicant refers to 'BS 5228-1:2009 +A1:2014: Code of Practice for Noise and Vibration Control on Construction and Open Sites – Parts 1 and 2' and 'BS 8233:2014 – Guidance on sound insulation and noise reduction for buildings', as well as other guidelines and criteria in providing guidance and standards for the noise and vibration impacts.

Baseline

- 13.11.5. The primary sources of noise in the area immediate to the application site comprise road traffic passing along the adjoining roads, as well as the more distant M50 motorway traffic. Other noise contributing to background levels includes construction works, low-level fan equipment, rustling vegetation, bird call, aircraft and tram movements. Predicted daytime noise levels surrounding the development are provided in the EIAR based on the applicant's modelling.

Potential Effects

Table 13.6: Summary of Potential Effects

Project Phase	Potential Direct, Indirect and Cumulative Effects
Do Nothing	No new noise or vibration sources would arise.
Construction	Increased noise during the demolition works, as well as construction works, in particular from machinery operation and the traffic movements. Increased vibration during the excavation, demolition and construction works, including the piling of foundations.
Operation	Direct effects on the amenities of future residents of the proposed development via excessive noise levels to living areas.
Cumulative	Other major residential and infrastructure development within 1km of the site are noted. Cumulative impacts from noise and vibration are not expected based on modelling accounting for additional traffic associated with other developments, as well as the background noise from existing sources.

Mitigation

13.11.6. To address potential impacts of the project on noise, the applicant sets out various avoidance, remedial and alleviation measures as part of the preliminary CMP, including the control of construction hours. Noise effects arising from proposed construction activities during the daytime on weekdays and on Saturday mornings have been evaluated as being potentially significant. Construction management measures will be required to ensure compliance with noise criteria for the construction activities. Additional mitigation measures within the project CEMP would be incorporated to ensure that short-term residual effects from construction activities are kept within acceptable limits, including noise enclosures for working, prohibiting idling machinery, loading and unloading operations, timing of works and maintenance of equipment and machinery. Noise effects during the operation phase of the development are not expected to exceed standard limits for apartments and amenity spaces, although consideration should be given for the type of ventilation to be used on sensitive façades, such as those facing roads.

Residual Effects

13.11.7. With the implementation of mitigation measures, including construction management measures, residual effects of the project on noise and vibration are not considered by the applicant to be significant.

Direct and Indirect Effects Assessment

13.11.8. I have examined, analysed and evaluated chapter 9 of the EIAR, all of the associated documentation and submissions on file in respect of noise and vibration. I am satisfied that the applicant's presented baseline environment, is comprehensive and that the key impacts in respect of likely effects on noise and vibration, as a consequence of the development have been identified. Parties to the application have raised a number of issues in respect of noise and vibration, which I address below.

- noise management plan;
- noise and vibration monitoring;
- noise surveying;
- noise mitigation measures for roof terraces.

13.11.9. There are no residential receptors immediately adjoining the site and the nature of the proposed development is such that following the construction phase it would not result in substantive increases in noise levels in the area, other than via increased traffic, which the applicant has accounted for as part of their noise impact assessment. Noise management measures are proposed as part of the CEMP and a Property Management Strategy Report sets out how the facility would be managed over the operation phase of the project. The measures outlined are typical and well established as being effective in controlling noise and vibration in residential developments.

13.11.10. The CEMP accompanying the application sets out that monitoring would be undertaken during the course of the construction works, including monitoring of noise levels, with a register that would be available for auditing and inspection. The applicant sets out that the method and duration of noise monitoring will follow British Standard 5228 and will be agreed with the Environmental Health section of the Planning Authority. In relation to consideration with respect to the adjacent IVM

House site proposals (ABP ref. 313209-22), to date this project has not been permitted and would be subject to similar controls.

- 13.11.11. The Property Management Strategy Report for the project can be developed to incorporate controls for the roof terraces, such as restricting their use during nighttime hours. I would also note that the communal roof terraces do not adjoin apartment living areas, thereby limiting scope for direct noise impacts for the apartment residents.

Direct and Indirect Effects Conclusion

- 13.11.12. Having regard to the examination of environmental information in respect of noise and vibration, in particular the EIAR provided by the applicant and the submissions from the Planning Authority and observers during the course of the application, it is considered that the main significant direct and indirect effects on noise and vibration are, and will be mitigated as follows:

- direct negative effects arising for noise and vibration during the construction phase, which would be mitigated by a suite of appropriate construction phase management measures, including the control of construction hours and noise minimisation measures.

13.12. Material Assets

Issues Raised

- 13.12.1. Much of the concerns raised by the Planning Authority in relation to transportation matters, primarily relate to urban design constraints or matters that would not have substantive environmental impacts and can be addressed via planning conditions, as per the assessment in section 12.7 above. The Planning Authority accept that there would be no impact on air navigation.

Context

- 13.12.2. Impacts on material assets specifically in relation to traffic and transport are dealt with in chapter 11 of the EIAR. A Traffic and Transport Assessment was provided as part of the application, with traffic surveys undertaken in February 2019 at junctions along Carmanhall Road and Blackthorn Road, and with additional junction surveys undertaken in January 2022 to supplement the data utilised in forecasting models,

thereby accounting for the pre and post-Covid scenarios. Mapped road collisions statistics for the area up until 2016 are presented as part of the assessment. An assessment of the capacity of Luas services operating the greenline is provided by the applicant. A Travel Plan with transport options has been prepared for the development with details of the various services available and envisaged for the area referenced.

13.12.3. The amount of cut and fill materials required to be exported and imported as part of the project has not been set out, which would place limitations in relation to an estimation of the number of vehicular movements to and from the site during the construction period. Notwithstanding this, the applicant asserts that based on the scale of the project, the number of heavy-goods vehicle traffic movements would be in the region of ten to 50 movements per day during the construction phase of the project.

13.12.4. Impacts on material assets specifically in relation to utilities are dealt with in chapter 14 of the EIAR. A Telecommunication Report was provided as an appendix to the EIAR and a standalone Utilities Report was also submitted as part of the application.

Baseline

13.12.5. The assessment addresses the existing road infrastructure forming the local network serving the site, as well as referring to roads objectives for the area, including a long-term Development Plan objective for a road from the ESB roundabout on Leopardstown Road to Arena Road and Blackthorn Road. Carmanhall Road and Ravens Rock Road are noted to feature 50km/hr speed limits with landscaped verges separating footpaths on these roads from the carriageways. Pay and display parking operates along public roads in the area, although double-yellow lines fronting the application site currently restrict parking on the immediately adjoining roads. Daily traffic flows on Carmanhall Road are estimated to amount to 9,600 vehicles, compared to 1,900 vehicles along Ravens Rock Road. Existing bus and Luas stops in the immediate area are referenced, including the public and private services operating from the nearest bus stops, which I have addressed in section 12.3 of my report. Figure 11.16 of the EIAR illustrates the BusConnects network intended to be undertaken in the wider area to the appeal site, including the

86 and S8 services operating along Blackthorn Road. The Sandyford business district pedestrian and cycle improvement scheme is expected to upgrade cycle infrastructure in the area, including provision of a cycle path along Carmanhall fronting the application site. Other infrastructures available in the area, including footpaths, cycle routes, telecommunication and electricity networks and drainage services, are identified by the applicant. The majority of underground building services follow Ravens Rock Road and Carmanhall Road to the north and west of the site.

Potential Effects

Table 13.7: Summary of Potential Effects

Project Phase	Potential Direct, Indirect and Cumulative Effects
Do Nothing	There would be negligible impacts and imperceptible effects on local built services, as well as utilities or supplies should the proposed development not be provided.
Construction	<p>Short-term effects arising from increased traffic due to the vehicular movements associated with the demolition, site clearance, excavation and construction works, including works traversing Carmanhall Road.</p> <p>Direct negative short-term effects for material assets (utilities) due to the potential for damage to underground services and power outages.</p> <p>Short term effects for public water sources potentially arising from the construction excavation, drilling and piling activities.</p>
Operation	<p>Positive effects of increased housing, public open space and a childcare facility for the local population in the area.</p> <p>Direct effects for traffic and public transport due to the increased vehicular movements and passengers required to serve the apartments and childcare facility in the proposed development.</p> <p>Direct effects for material assets, as a result of new buildings restricting the operation of existing telecommunication networks.</p>

	Direct effects for materials assets as a result of increased demand for water supplies, wastewater services, electricity and telecommunications services.
Cumulative	Other major residential developments within 1km of the site are noted. There are no substantial developments permitted in the immediate area of the site, although the applicant's assessment accounts for the cumulative impacts of the development along the since refused Avid Technology site redevelopment (ABP ref. 314523-22).

Mitigation

13.12.6. Mitigation measures to address the impacts of traffic and transport during the construction phase relate to the adherence to measures within a final construction traffic management plan as part of the project CMP, including use of assigned haul routes, control of delivery times and provision of construction worker parking. The construction phase impacts on traffic would be primarily addressed as part of the construction traffic management plan and the monitoring of the performance of same. The Property Management Strategy Report outlines measures to manage parking and setdown areas during the operational phase. Measures contained within the development Travel Plan would be implemented to encourage use of sustainable modes of transport.

13.12.7. Engagement with utility operators would act as a mitigation measure for the project, in identifying and protecting existing services, as well as providing for continued operation of such services. Impacts on existing microwave links would be addressed by the installation of new equipment proposed as part of the development to the rooftop of block C.

Residual Effects

13.12.8. With the implementation of mitigation measures, including monitoring, residual effects of the project are set out in sections 11.9 and 14.10 of the EIAR. These provide that no significant residual effects on material assets would arise.

Direct and Indirect Effects Assessment

13.12.9. I have examined, analysed and evaluated chapters 11 and 14 of the EIAR, all of the associated documentation and submissions on file in respect of material assets. I am satisfied that the applicant's presented baseline environment is comprehensive and that the key impacts in respect of likely effects on materials assets, as a consequence of the development have been identified.

13.12.10. In relation to the traffic arising from the proposed development, and its impact on the local road network, the results of the assessment provided in the EIAR confirm that the surveyed neighbouring junctions would remain operating within capacity post development in the opening, design and future-year scenarios.

13.12.11. Continued liaison with utility providers will serve to address the potential impacts of the development on various infrastructures during the construction phase, and the information presented highlights capacity in local services to cater for the proposed development. Furthermore, the telecommunications equipment required to address existing links that would be impacted would be acceptable from a visual amenity perspective.

Direct and Indirect Effects Conclusion

13.12.12. Having regard to the examination of environmental information in respect of material assets, in particular the EIAR provided by the applicant and the submissions from the Planning Authority and observers in the course of the application, it is considered that the main significant direct and indirect effects on material assets are, and will be mitigated as follows:

- significant direct positive impacts for material assets, due to the substantive increase in the housing stock during the operational phase;
- direct negative effects arising for traffic during the construction phase, which would be mitigated by a suite of appropriate construction phase management measures, including a construction traffic management plan, resulting in no residual impacts on traffic.

13.13. Archaeological, Architectural and Cultural Heritage

Issue Raised

- 13.13.1. The Planning Authority state they note the applicant's findings that there would be no archaeological impacts arising from the project and that this can be further addressed by a planning condition.

Context

- 13.13.2. Chapter 12 of the EIAR describes and assesses the impact of the development on cultural heritage, including archaeological and architectural heritage. This section of the EIAR is supported by an Archaeological Impact Assessment forming appendix 10.1 to the EIAR. The legislative and planning policy context for this part of the assessment is set out, including the provisions of the National Monuments Act. Policy objectives HER1 and HER2 of the Development Plan aim to protect and preserve archaeological sites. In terms of archaeological potential, the applicant undertook a desk-based study of the site and an area 1km from the site. This was followed up with a field survey in January 2022. Details of the placenames relating to the area and a chronological description of the historical background to the surrounding area is provided, including cartographic analysis. It was noted that an archaeological assessment of the Avid Technology site highlighted low potential for any surviving archaeological remains on this adjoining site.

Baseline

- 13.13.3. The applicant states that there are no recorded monuments or places (RMPs) on site, and that the closest archaeological site is a former castle site (DU023-045) located approximately 490m to the northeast of the application site. The closest RMP consists of a fulacht fia (DU022-109), which is located approximately 780m to the southwest of the site. The site is not within an ACA and the nearest Protected Structure is Burton Hall located over 400m to the east of the site. The boundaries for Blackthorn and Carmanhall townlands are noted to cut through the site.

Potential Effects

Table 13.8: Summary of Potential Effects

Project Phase	Potential Direct, Indirect and Cumulative Effects
Do Nothing	The site would remain as a commercial property and any archaeological remains would not be likely to be salvaged should any be situated on site.
Construction	Direct effects for archaeological heritage given the potential for significant undiscovered archaeological material, including those relating to a townland boundary within the site, and given the proposed ground disturbance works.
Operation	Direct effects for features or landscapes of cultural significance.
Cumulative	Other major residential developments within 1km of the site are noted. There are no substantial developments permitted in the immediate area of the site.

Mitigation

13.13.4. The applicant asserts that monitoring by a suitably qualified and licensed specialist archaeologist should oversee the works with the agreement and approval of an archaeological method statement by the National Monuments Service of the Department of Housing, Local Government and Heritage.

Residual Effects

13.13.5. With the implementation of mitigation measures, residual effects of the project for archaeological, architectural and cultural heritage are set out in table 10.9 of the EIAR. These provide that only slight adverse residual effects on archaeological, architectural and cultural heritage will arise.

Direct and Indirect Effects Assessment

13.13.6. I have examined, analysed and evaluated chapter 10 of the EIAR, all of the associated documentation and submissions on file in respect of archaeological, architectural and cultural heritage. I am satisfied that the applicant's presented baseline environment, is reasonably comprehensive and that the key impacts in

respect of likely effects on archaeological, architectural and cultural heritage as a consequence of the development have been identified.

13.13.7. The development would be a substantive distance from known features of cultural heritage significance and the separation distances involved would not result in direct impacts on such features, with the intervening urban landscape negating the impact of the development on the setting or character of the closest neighbouring cultural heritage features. During the construction phase, the applicant has set out standard measures with respect to archaeological monitoring and recording, which could be further clarified as a condition in the event of a grant of planning permission for the development.

Direct and Indirect Effects Conclusion

13.13.8. Having regard to the examination of environmental information in respect of archaeological, architectural and cultural heritage, in particular the EIAR provided by the applicant and the submissions from the Planning Authority and observers in the course of the application, it is considered that the main significant direct and indirect effects on archaeological, architectural and cultural heritage are, and will be mitigated as follows:

- direct negative effects arising for undiscovered archaeological remains during the construction phase, which would be mitigated by monitoring and recording by a suitably qualified archaeologist under an appropriate licence.

13.14. Landscape & Visual Impact Assessment

Issues Raised

13.14.1. Specific issues in relation to the visual impact of the development are not raised, although the Planning Authority require proposed building heights to be reduced.

Context

13.14.2. Chapter 13 of the EIAR deals with the landscape and visual impacts of the development, with the applicant initially setting out the legislative and policy context for the assessment, including reference to the Sandyford Urban Framework Plan and the Guidelines for Landscape and Visual Impact Assessment. This section of the EIAR was supported by 'Verified Photomontages' (appendix 13.1), including a total

of 13 short, medium and long-range viewpoints. The photomontages submitted provide visual representations, which I am satisfied would be likely to provide a reasonably accurate portrayal of the completed development in summer settings with the proposed landscaping in a mature and well-maintained condition. I have viewed the site from a variety of locations in the surrounding area, and I am satisfied that the photomontage viewpoints are taken from locations, contexts, distances and angles, which provide a reasonably comprehensive representation of the likely visual impacts of the development from key reference points. In addition to the photomontages, the applicant's Architectural Design Statement includes CGIs of the completed development.

Baseline

13.14.3. The site is within the built envelope of the city and it is not included within a landscape character area of high amenity or historical merit. The Development Plan does not identify any protected views or landscapes of value affecting the site. A description of the site environs is provided in section 2 of my report and expanded upon in the planning assessment above, including section 12.4 when addressing building heights. The immediate area generally comprises low-rise commercial premises, although more recent developments in the area include six to seven-storey blocks, as well as taller residential blocks to the northwest of the site, such as the 17-storey high Vista building in the Sandyford Central complex. There are existing mature trees along the perimeter of the site, including oak and beech trees in the northwest corner that the applicant notes to be protected under Development Plan provisions.

Potential Effects

Table 13.9: Summary of Potential Effects

Project Phase	Potential Direct, Indirect and Cumulative Effects
Do Nothing	The buildings would remain on site, the appearance of the site would remain similar albeit with regulation likely to grow maintained and the zoning objectives for the site would not be realised
Construction	Medium to low landscape / townscape impacts of slightly negative, short-term duration arising from the changes to the site, including

	the construction of new structures and the activities associated with this over a 24-month period, including transport movements, machinery, storage of materials and security hoarding / fencing for the site.
Operation	Low landscape / townscape impacts that would be permanent and not readily reversible. Imperceptible neutral impacts, slight to moderate-slight positive impacts and slight-imperceptible negative impacts from the areas surrounding the site based on the 13 viewshed reference points.
Cumulative	Reference is made to projects in the wider area identified in chapter 15 of the EIAR and the potential for the work to be undertaken concurrently with the Avid Technology site proposals (ABP ref. 314523-22).

Mitigation

13.14.4. Mitigation measures are wholly embedded in the design of the proposed scheme according to the applicant.

Residual Effects

13.14.5. Residual effects of the project are considered by the applicant to comprise the potential effects of the development, given that no strict mitigation measures are proposed. No significant residual effects on the landscape / townscape are asserted to arise.

Direct and Indirect Effects Assessment

13.14.6. I have examined, analysed and evaluated chapter 13 of the EIAR, all of the associated documentation and submissions on file in respect of landscape and visual impacts. I am satisfied that the applicant's presented baseline environment, is comprehensive and that the key visual impacts in respect of likely effects on landscape, as a consequence of the development have been identified. The following table 13.10 provides a summary assessment of the likely visual change from the applicant's 13 selected viewpoints arising from the completed proposed development.

Table 13.10 Viewpoint Changes

No.	Location	Description of Change
1	Burton Hall Road – 320m southeast	Upper-floor levels to blocks A, B and C would be visible with some screening via street trees and street furniture. The level of visual change would be moderate from this long-range view, due to the separation distance and the setting amongst buildings of similar heights.
2	Blackthorn Road – 120m east	Visibility of the subject development would not be achievable due to an existing building. I consider the magnitude of visual change from this medium-range view to be negligible in the context of the receiving urban environment.
3	Arkle Road – 50m north	The northern elevation to proposed block C would be visible in its entirety from this location. I consider the magnitude of visual change from this short-range view to be moderate in the context of the receiving urban environment.
4	Carmanhall Road – 200m northwest	Upper-floor levels to blocks A and B and the northern elevation to block C would be visible, but the lower elements of the development would not be visible primarily due to the existing street planting and roadside boundaries. I consider the magnitude of visual change from this medium-range view to be moderate in the context of the receiving urban environment.
5	Blackthorn Road – 130m south	Visibility of the subject development would not be achievable due to the existing buildings and planting. I consider the magnitude of visual change from this medium-range view to be negligible in the context of the receiving urban environment.
6	Leopardstown Road – 850m southwest	Upper-floor levels to block A would be visible with screening of the remainder of the development by planting and buildings. The level of visual change is only slight from this long-range view, due to the separation distance.
7	St. Mary's Boys FC grounds – 870m southwest	Visibility of the subject development would not be achievable due to the existing buildings and planting. I consider the magnitude of visual change from this long-range view to be negligible in the context of the receiving urban environment.

8	St. Raphael's Road – 800m north	Visibility of the subject development would not be achievable due to the existing buildings and planting. I consider the magnitude of visual change from this long-range view to be negligible in the context of the receiving urban environment.
9	Blackthorn Avenue – 280m northeast	Visibility of the subject development would not be achievable due to the existing buildings. I consider the magnitude of visual change from this medium-range view to be negligible in the context of the receiving urban environment.
10	Burton Hall – 400m southeast	Very marginal portions of the upper-floor levels would be visible from this Protected Structure with screening by existing buildings and planting. The level of visual change is only slight from this long-range view in the context of the receiving urban environment.
11.	Burton Hall Road – 630m southeast	Upper-floor levels to blocks A, B and C would be visible with some screening via street trees and buildings at lower levels. The level of visual change would be slight from this long-range view, due to the separation distance and the setting amongst buildings of similar heights.
12.	Woodside Road – 2.2km southwest	The upper levels of the proposed development would be visible. I consider the magnitude of visual change from this long-range view to be slight in the context of the receiving urban environment, due to the separation distance and the setting amongst buildings of similar heights.
13.	Burrow Road – 3km south	The upper levels of the proposed development would be visible. I consider the magnitude of visual change from this long-range view to be slight in the context of the receiving urban environment, due to the separation distance and the setting amongst buildings of similar heights.

13.14.7. In the immediate area the development would be most visible from the approaches along Ravens Rock Road and Carmanhall Road, with only intermittent views of the higher building elements from local vantage points outside the business park area. The development would be viewed as a substantial insertion in this urban setting and a substantive new element in the urban landscape where visible from neighbouring properties. The proposed development represents a substantial increase in height and scale when considering the existing low-rise commercial buildings characterising

the subject urban block, although it would be approximately 1.5m above the height of The Chase office block located immediately to the north on Carmanhall Road. There are other buildings of comparable height constructed, under construction or permitted within the immediate Sandyford business park area.

13.14.8. Where potentially discernible from long range views, the proposed development would read as part of the wider emerging urban landscape, including several taller buildings within the business park, and screening offered by existing buildings, boundaries, structures and trees would largely restrict the visual impact of the development from other areas beyond Carmanhall Road and Ravens Rock Road. Environmental conditions would also influence the appearance of the development from the selected viewpoints, particularly along the streets approaching the site, with screening by mature trees varying throughout the seasons. I am satisfied that the visual change would be largely imperceptible from the wider areas, but moderate visual impacts on Arkle Road, Ravens Rock Road and Carmanhall Road would arise when approaching the site. The appearance of the development would not be out of character with the emerging character of the area, including buildings of similar scale and height. The local population would become accustomed to the development over time, which would have positive effects in providing contemporary buildings with a strong urban edge in this part of the business park.

Direct and Indirect Effects Conclusion

13.14.9. Having regard to the examination of environmental information in respect of landscape and visual impacts, in particular the EIAR and Verified Photomontages provided by the applicant, and the submissions from the Planning Authority and observers in the course of the application, it is considered that the main significant direct and indirect effects on landscape and visual impacts are:

- direct negative effects arising for the visual amenities and landscape / townscape of the area during the construction phase, which would not be significant and would be of temporary duration;
- direct effects arising for landscape / townscape arising from the proposed development, which would have slight to moderate and positive effects for the appearance of the area.

13.15. The interaction between the above factors

13.15.1. Chapter 15 of the EIAR includes table 15.1 addressing the interactions between each of the environmental disciplines assessed in the EIAR. The various potential interactions between the assessed disciplines at different phases of the project are considered in the EIAR. Where necessary, mitigation was employed to ensure that no cumulative effects would arise as a result of the interaction of the various elements of the development with one another, with the applicant referring to the measures in each chapter of the EIAR and the supporting documents as primarily addressing any potential significant residual impacts of the project. The potential for land, soils and geology impacts to interact with five of the other eight factors is considered to arise during the construction phase, including water, population and human health, biodiversity, air quality and climate and cultural heritage factors. For example, an interaction between land, soil and geology with biodiversity would arise during the construction phase from the excavation of materials and the need to control and contain these materials, in particular from entering receiving waters, as excess sedimentation could have detrimental impacts on the water quality of downstream aquatic habitats. Other interactions are addressed, including those arising from noise and vibration during the construction and operation phases impacting on population and human health, with various measures to be employed, including those outlined in the preliminary CMP and project CEMP, as well as the implementation of the Property Management Strategy Report.

13.15.2. I have considered the interrelationships between the factors and whether these may as a whole affect the environment, even though the effects may be acceptable on an individual basis. Having considered the embedded design and the mitigation measures to be put in place, I am satisfied that no residual risk of significant negative interaction between any of the disciplines would arise and no further mitigation measures to those already provided for in the EIAR, or as conditions of the permission, would arise. I am satisfied that in general the various interactions were accurately described in the EIAR.

13.16. Cumulative Impacts

- 13.16.1. Observers assert that the EIAR fails to provide a comprehensive cumulative impact assessment of the proposed development, including other strategic housing developments. Throughout the EIAR the applicant has referred to the various cumulative impacts that may arise for each discipline, as a result of other existing, proposed and permitted developments in the environs of the site that they were aware of. Where such developments have been permitted, they would be largely in accordance with the nature and scale of development envisaged for the area within the Development Plan, which has been subject to Strategic Environment Assessment. Section 15.4 of the EIAR provides a figure identifying the locations of other proposed and permitted developments in the immediate area at the time of lodging the application to the Board, including major housing proposals and infrastructure projects. The proposed development could potentially occur in tandem with the development of other sites that are zoned for development in the area, and the applicant considers the potential cumulative effects of these developments to have slight to imperceptible impacts alongside the proposed development, with the since refused Avid Technology site redevelopment (ABP ref. 314523-22) having moderate effects for the landscape / townscape and moderate visual impacts alongside the proposed development. Consultees within the Planning Authority refer to the need to consider impacts alongside the IVM House site (ABP ref. 313209-22) proposals, and my assessment above does not consider that there would be any substantive cumulative effects arising. I do consider the proposed development at most would have moderate effects for the immediate landscape / townscape should it be viewed alongside the IVM House site redevelopment.
- 13.16.2. The nature, scale, form and character of the project would generally be similar, albeit slightly taller and denser to that envisaged for the site within the adopted statutory plan for this area. It is therefore concluded that the cumulative effects from the planned and permitted developments in the area and the subject project would not be likely to give rise to significant effects on the environment other than those that have been described in the EIAR and considered in this EIA.

13.17. Reasoned Conclusion on the Significant Effects

13.17.1. Having regard to the examination of environmental information set out above, to the EIAR and other information provided by the applicant, and to the submissions from the Planning Authority, prescribed bodies and observers during the course of the application, it is considered that the main potential direct, indirect, secondary and cumulative effects of the proposed development on the environment are as follows:

- significant direct positive impacts for population and material assets, due to the substantive increase in housing stock during the operational phase;
- direct negative effects arising for human health, air quality, traffic, noise and vibration during the construction phase, which would be mitigated by a suite of appropriate construction phase management measures, including dust management, the control of construction hours, implementation of a construction traffic management plan, noise minimisation measures and monitoring, resulting in no residual impacts on human health, air quality, traffic, noise and vibration;
- direct negative effects arising for water and aquatic habitat during the construction phase, which would be mitigated by a suite of appropriate construction phase surface water management measures, including sediment and pollution control measures, resulting in no residual impacts on water and biodiversity;
- significant direct negative effects arising for land, soils and geology during the demolition phase, which would be mitigated by on site investigations to address potential for dewatering and to identify any locations of underground fuel storage tanks, resulting in no residual impacts on land, soils and geology;
- direct negative effects arising for land, soils and geology during the construction phase, which would be mitigated by a suite of appropriate construction phase management measures, including method statements to handle and control any contaminated materials, resulting in no residual impacts on land, soils and geology;
- direct negative effects arising for undiscovered archaeological remains during the construction phase, which would be mitigated by monitoring and recording

by a suitably qualified archaeologist under an appropriate licence, resulting in no residual impacts for archaeological, architectural and cultural heritage.

- direct negative effects arising for the visual amenities and landscape / townscape of the area during the construction phase, which would not be significant and would be of temporary duration and direct effects arising for landscape / townscape during the operation of the proposed development, which would have slight to moderate and positive effects for the appearance of the area, resulting in no residual impacts for landscape and visual amenities.

13.17.2. Arising from my assessment of the project, including mitigation measures set out in the EIAR and the application, and as conditions in the event of a grant of planning permission for the project, the environmental impacts identified would not be significant and would not justify refusing permission for the proposed development.

14.0 Appropriate Assessment

14.1. Introduction

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

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

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

14.3. Stage 1 AA Screening

- 14.3.1. The applicant has submitted a document titled 'Appropriate Assessment Screening Report' dating from April 2022 and prepared by Golder Associates Ireland Limited. This document provides a description of the site, the receiving environment and the proposed development, as well as identifying European sites within the possible zone of influence of the development.

Site Location

- 14.3.2. A description of the site is provided in section 2 above and throughout the planning assessment and EIA. The site comprises brownfield land and contains commercial buildings with associated made ground, trees of varying ages, hedgerows and cut grass verges. The habitats recorded on site, as listed in the application AA Screening Report, are stated to comprise buildings artificial surfaces (BL3) with treelines (WL2), flower beds and borders (BC4), ornamental / non-native shrub (WS3) and amenity grassland (GA2) habitats. No Annex I habitats were recorded within the site during the habitat surveys and no species listed for protection under the Habitats Directive or the Wildlife Act were recorded as habituating the site or using it in a substantive manner, such as for feeding. Only medium impact invasive species were recorded on site during surveys.

- 14.3.3. The applicant's EIAR chapter addressing water sets out the surface water drainage regime in the area, highlighting that Carrickmines stream / Racecourse stream is located approximately 350m to the south of the site and that this is the closest substantial natural waterbody to the site, flowing southeast towards Dublin Bay, converging with the Loughlinstown river, which flows into the Shanganagh river, before flowing into the Irish Sea between Loughlinstown and Shankill.

Proposed Development

- 14.3.4. A detailed description of the proposed development is provided in section 3 above and expanded upon below where necessary. Details of the construction phase of the development are provided throughout the subject application documentation, including the Resource and Waste Management Plan, the Preliminary CMP, the CEMP and the EIAR. According to the applicant, foul wastewater from the operational phase of the proposed development would discharge to the public network for treatment at the Ringsend WWTP. Following various standard practice

construction site environmental management measures, as well as SUDS measures, surface waters would be discharged into the network running along Carmanhall Road. Ultimately the resultant treated wastewaters and surface waters from the proposed development would discharge to Dublin Bay.

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

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

Submissions and Observations

14.3.6. The submissions and observations from observers, the Planning Authority and prescribed bodies are summarised in sections 9, 10 and 11 of this report. I have had regard to other relevant documentation included with the application, in particular the Preliminary CMP and Engineering Assessment Report prepared by Waterman Moylan Engineering Consultants, and the CEMP and EIAR prepared by Golder Associates Ireland Limited, dating from between March and April 2022. The observers refer to matters that they consider to result in shortcomings in the AA Screening Report and an inability to reach conclusions based on thorough assessment, including the construction phase impacts, as well as limitations in respect of scientific expertise, analysis and lacunae. The Planning Authority refer to the Board as the competent authority for the purposes of AA in this case.

European Sites

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

Table 14.1 European Sites

Site Code	Site Name / Qualifying Interests	Distance	Direction
004024	South Dublin Bay and River Tolka Estuary SPA <ul style="list-style-type: none"> • Light-bellied Brent goose <i>Branta bernicla hrota</i> [A046] • Oystercatcher <i>Haematopus ostralegus</i> [A130] 	3.6km	northeast

	<ul style="list-style-type: none"> • Ringed plover <i>Charadrius hiaticula</i> [A137] • Grey plover <i>Pluvialis squatarola</i> [A141] • Knot <i>Calidris canutus</i> [A143] • Sanderling <i>Calidris alba</i> [A149] • Dunlin <i>Calidris alpina</i> [A149] • Bar-tailed godwit <i>Limosa lapponica</i> [A157] • Redshank <i>Tringa totanus</i> [A162] • Black-headed gull <i>Chroicocephalus ridibundus</i> [A179] • Roseate tern [A193] • Arctic tern [A194] • Wetland and waterbirds [A999] 		
000210	<p>South Dublin Bay SAC</p> <ul style="list-style-type: none"> • Mudflats and sandflats not covered by seawater at low tide [1140] • Annual vegetation of drift lines [1210] • Salicornia and other annuals colonising mud and sand [1310] • Embryonic shifting dunes [2110] 	3.6km	northeast
002122	<p>Wicklow Mountains SAC</p> <ul style="list-style-type: none"> • Oligotrophic waters containing very few minerals of sandy plains (<i>Littorelletalia uniflorae</i>) [3110] • Natural dystrophic lakes and ponds [3160] • Northern Atlantic wet heaths with <i>Erica tetralix</i> [4010] • European dry heaths [4030] • Alpine and Boreal heaths [4060] • Calaminarian grasslands of the <i>Violetalia calaminariae</i> [6130] • Species-rich <i>Nardus</i> grasslands, on siliceous substrates in mountain areas (and submountain areas, in Continental Europe) [6230] • Blanket bogs (* if active bog) [7130] • Siliceous scree of the montane to snow levels (<i>Androsacetalia alpinae</i> and <i>Galeopsietalia ladani</i>) [8110] • Calcareous rocky slopes with chasmophytic vegetation [8210] • Siliceous rocky slopes with chasmophytic vegetation [8220] 	6.5km	south

	<ul style="list-style-type: none"> • Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0] • Lutra lutra (Otter) [1355] 		
004040	Wicklow Mountains SPA <ul style="list-style-type: none"> • Merlin (Falco columbarius) [A098] • Peregrine (Falco peregrinus) [A103] 	6.7km	south
000725	Knocksink Wood SAC <ul style="list-style-type: none"> • Petrifying springs with tufa formation (Cratoneurion) [7220] • Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0] • Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0] 	7.2km	south
004172	Dalkey Islands SPA <ul style="list-style-type: none"> • A192 Roseate Tern (<i>Sterna dougallii</i>) • A194 Arctic Tern (<i>Sterna paradisaea</i>) • A193 Common Tern (<i>Sterna hirundo</i>) 	7.7km	east
003000	Rockabill to Dalkey Islands SAC <ul style="list-style-type: none"> • Harbour porpoise [1351] • Reefs [1170] 	8km	east
000713	Ballyman Glen SAC <ul style="list-style-type: none"> • Petrifying springs with tufa formation (Cratoneurion) [7220] • Alkaline fens [7230] 	8.2km	south
000206	North Dublin Bay SAC <ul style="list-style-type: none"> • Mudflats and sandflats not covered by seawater at low tide [1140] • Annual vegetation of drift lines [1210] • Salicornia and other annuals colonising mud and sand [1310] • Atlantic salt meadows [1330] • Mediterranean salt meadows [1410] • Embryonic shifting dunes [2110] • Shifting dunes along the shoreline with marram grass <i>Ammophila arenaria</i> (white dunes) [2120] 	8.6km	northeast

	<ul style="list-style-type: none"> • Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] • Humid dune slacks [2190] • Petalwort <i>Petalophyllum ralfsii</i> [1395] 		
004006	<p>North Bull Island SPA</p> <ul style="list-style-type: none"> • Light-bellied brent goose [A046] • Shelduck <i>Tadorna</i> [A048] • Teal <i>Anas crecca</i> [A054] • Pintail <i>Anas acuta</i> [A054] • Shoveler <i>Anas clypeata</i> [A056] • Oystercatcher [A130] • Golden plover <i>Pluvialis apricaria</i> [A140] • Grey plover [A141] • Knot [A143] • Sanderling [A144] • Dunlin [A149] • Black-tailed godwit <i>Limosa</i> [A156] • Bar-tailed godwit [A157] • Curlew <i>Numenius arquata</i> [A160] • Redshank [A162] • Turnstone <i>Arenaria totanus</i> [A169] • Black-headed gull [A179] • Wetland and waterbirds [A999] 	8.6km	northeast
004236	<p>North-West Irish Sea SPA</p> <ul style="list-style-type: none"> • Red-throated Diver (<i>Gavia stellata</i>) [A001] • Great Northern Diver (<i>Gavia immer</i>) [A003] • Fulmar (<i>Fulmarus glacialis</i>) [A009] • Manx Shearwater (<i>Puffinus puffinus</i>) [A013] • Cormorant (<i>Phalacrocorax carbo</i>) [A017] • Shag (<i>Phalacrocorax aristotelis</i>) [A018] • Common Scoter (<i>Melanitta nigra</i>) [A065] • Little Gull (<i>Larus minutus</i>) [A177] • Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179] • Common Gull (<i>Larus canus</i>) [A182] • Lesser Black-backed Gull (<i>Larus fuscus</i>) [A183] • Herring Gull (<i>Larus argentatus</i>) [A184] 	9.1km	northeast

	<ul style="list-style-type: none"> • Great Black-backed Gull (<i>Larus marinus</i>) [A187] • Kittiwake (<i>Rissa tridactyla</i>) [A188] • Roseate Tern (<i>Sterna dougallii</i>) [A192] • Common Tern (<i>Sterna hirundo</i>) [A193] • Arctic Tern (<i>Sterna paradisaea</i>) [A194] • Little Tern (<i>Sterna albifrons</i>) [A195] • Guillemot (<i>Uria aalge</i>) [A199] • Razorbill (<i>Alca torda</i>) [A200] • Puffin (<i>Fratercula arctica</i>) [A204] 		
001209	<p>Glenasmole Valley SAC</p> <ul style="list-style-type: none"> • Semi-natural dry grasslands and scrubland facies on calcareous substrates (<i>Festuco-Brometalia</i>) (* important orchid sites) [6210] • Molinia meadows on calcareous, peaty or clayey-silt-laden soils (<i>Molinion caeruleae</i>) [6410] • Petrifying springs with tufa formation (<i>Cratoneurion</i>) [7220] 	10.4km	west
000714	<p>Bray Head SAC</p> <ul style="list-style-type: none"> • Vegetated sea cliffs of the Atlantic and Baltic coasts [1230] • European Dry Heaths [4030] 	12km	southeast
004113	<p>Howth Head Coast SPA</p> <ul style="list-style-type: none"> • A188 Kittiwake (<i>Rissa tridactyla</i>) 	12.3km	northeast
002193	<p>Ireland's Eye SAC</p> <ul style="list-style-type: none"> • 1220 Perennial vegetation of stony banks • 1230 Vegetated sea cliffs of the Atlantic and Baltic coasts 	12.4km	northeast
000202	<p>Howth Head Coast SAC</p> <ul style="list-style-type: none"> • Vegetated sea cliffs of the Atlantic and Baltic coasts [1230] • European dry heaths [4030] 	12.6km	northeast
004117	<p>Ireland's Eye SPA</p> <ul style="list-style-type: none"> • A017 Cormorant (<i>Phalacrocorax carbo</i>) • A184 Herring Gull (<i>Larus argentatus</i>) • A188 Kittiwake (<i>Rissa tridactyla</i>) • A199 Guillemot (<i>Uria aalge</i>) 	14.2km	northeast

	<ul style="list-style-type: none"> • A200 Razorbill (<i>Alca torda</i>) 		
000199	Baldoyle Bay SAC <ul style="list-style-type: none"> • Mudflats and sandflats not covered by seawater at low tide [1140] • Salicornia and other annuals colonising mud and sand [1310] • Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>) [1330] • Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410] 	14.3km	northeast
004016	Baldoyle Bay SPA <ul style="list-style-type: none"> • Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046] • Shelduck (<i>Tadorna tadorna</i>) [A048] • Ringed Plover (<i>Charadrius hiaticula</i>) [A137] • Golden Plover (<i>Pluvialis apricaria</i>) [A140] • Grey Plover (<i>Pluvialis squatarola</i>) [A141] • Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157] • Wetland and Waterbirds [A999] 	14.3km	northeast

14.3.8. In determining the zone of influence for the project I have had regard to the nature and scale of the project, the distance from the development site to European sites, and any potential pathways that may exist from the development site to a European Site. Table 2 of the application screening report identifies the potential links from European sites to the appeal site. Distances and direction from the site to European sites are listed in table 14.1 above. I do not consider that any other European Sites other than those identified in table 14.2 potentially fall within the zone of influence of the project, having regard to the nature and scale of the development, the results of ecological surveys for the site, the distance from the development site to same, and the lack of an obvious pathway to same from the development site.

Table 14.2 Identification of relevant European Sites using the Source-Pathway-Receptor model and compilation of information (Qualifying Interests and Conservation Objectives)

Site Name / Code	Qualifying Interests (QIs) / Special Conservation Interest (SCIs)	Connections	Consider Further
South Dublin Bay and River	QIs – 14 bird species		

Tolka Estuary SPA 004024	https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO004024.pdf	Weak hydrological connections exist through: Surface water ultimately discharging to Dublin Bay / Irish sea; Wastewater from the site passes and would be treated in Ringsend WWTP, which also discharges to Dublin Bay.	Yes
North Bull Island SPA 004006	QIs – 18 bird species To maintain the favourable conservation condition of the wetland habitat in North Bull Island SPA as a resource for the regularly occurring migratory waterbirds that utilise it To maintain the favourable conservation condition of the qualifying species		
North Dublin Bay SAC 000206	QIs – ten coastal habitats and species https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO000206.pdf		
South Dublin Bay SAC 000210	QIs - Mudflats and sandflats not covered by seawater at low tide [1140] Annual vegetation of drift lines [1210] Salicornia and other annuals colonising mud and sand [1310] Embryonic shifting dunes [2110] https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO000210.pdf		
North-West Irish Sea SPA 004236	QIs – 21 bird species https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO004236.pdf		

14.4. Potential Effects

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

Construction Phase

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

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

Operational Phase

- 14.4.7. During the operational stage surface water from the site would be discharged at rates compliant with the Greater Dublin Regional Code of Practice for Drainage Works to the public surface water drainage system after passing through various SUDS measures. In the event that the pollution control and surface water treatment measures were not implemented or failed, I remain satisfied that the potential for likely significant effects on the qualifying interests of European sites in Dublin Bay can be excluded given the indirect, distant and interrupted hydrological connection, the nature and scale of the development featuring a piped surface water network, including standard control features, and the distance and volume of water separating the appeal site from European sites in the Dublin Bay area (dilution factor).
- 14.4.8. Wastewater would ultimately be treated at Ringsend WWTP and the proposed development would result in a residential loading equivalent to approximately 637 residents based on the estimated wastewater loading for the development, as outlined in the Engineering Assessment Report submitted with the application. Having regard to the scale of the development proposed, it is considered that the development would result in an insignificant increase in the loading at Ringsend WWTP, which would in any event be subject to Uisce Éireann consent and would only be given where compliance with EPA licencing in respect of the operation of the plant was not breached. Notwithstanding this, water quality is not a target for the maintenance of any of the qualifying interests within the SACs closest to Ringsend WWTP (i.e., South Dublin Bay SAC and North Dublin Bay SAC). Their qualifying interest targets relate to habitat distribution and area, as well as vegetation structure and the control of negative indicator species and scrub. The development would not

lead to any impacts upon these qualifying interests, consequent to changes to the physical structure of the habitats or to the vegetation structure that defines their favourable conservation status.

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

In-combination Impacts

- 14.4.10. The applicant's AA Screening Report refers to several neighbouring developments and plans that could act in combination with the development and give rise to significant effects to European sites within the zone of influence. This project is taking place within the context of greater levels of construction development and associated increases in residential density in the Dublin area. This can act in a cumulative manner through surface water run-off and increased wastewater volumes to the Ringsend WWTP.
- 14.4.11. The expansion of the city is catered for through land use planning by the various Planning Authorities in the Dublin area, including the Dun Laoghaire-Rathdown County Development Plan 2022-2028 and the Dublin City Development Plan 2022-2028. These Development Plans have been subject to AA by the respective Planning Authorities, who have concluded that their implementation would not result in significant adverse effects on the integrity of any European sites. The proposal would not generate significant demands on the existing municipal sewers for foul water. While this project would marginally add to the loadings to the municipal sewer, evidence shows that negative effects to European sites are not arising, as referenced in the applicant's AA Screening Report. Phased upgrade works to the Ringsend WWTP extension have commenced and the facility is currently operating under the EPA licencing regime that is subject to separate AA Screening.
- 14.4.12. The development is not associated with any loss of semi-natural habitat or pollution that could act in a cumulative manner to result in significant negative effects to any European site. I am satisfied that there are no projects which can act in combination

with the development that could give rise to significant effects to European sites within the zone of influence.

14.5. AA Screening Conclusion

- 14.5.1. The distance between the proposed development site and any European sites, and the very weak ecological pathways are such that the proposal would not result in any likely changes to the European sites that comprise part of the Natura 2000 network in Dublin Bay.
- 14.5.2. The proposed development was considered in light of the requirements of section 177U of the Act of 2000. Having carried out screening for AA of the project, it has been concluded that the project individually or in combination with other plans or projects, would not have a significant effect on European sites, including European Site No. 004024 (South Dublin Bay and River Tolka Estuary SPA), European Site No. 004006 (North Bull Island SPA), European Site No. 000206 (North Dublin Bay SAC), European Site No. 000210 (South Dublin Bay SAC) and European Site No. 004236 (North-West Irish Sea SPA) in view of the sites' Conservation Objectives, and Appropriate Assessment is not, therefore, required.
- 14.5.3. The possibility of significant effects on European sites has been excluded on the basis of objective information. Measures intended to reduce or avoid significant effects on European sites have not been relied upon in my reaching of a conclusion in this screening process.

15.0 Conclusion and Recommendation

- 15.1.1. The requirement for a net residential density of less than 250 units per hectare would have arisen since lodgement of the application, and, as such, this is a new issue and the Board may normally wish to seek the views of the parties. However, I note the procedural restrictions for strategic housing development applications in this regard, as well as the other substantive reason for refusal set out below.
- 15.1.2. I have considered the appropriateness of attaching conditions to address the various issues that have arisen in my assessments above, however, I am not satisfied that the extent of alterations to the proposed development that would be necessitated by these issues, including the potential reduction in building heights, the creation of

appropriate street frontage, the protecting and preserving of trees, could be readily addressed in an immaterial manner.

- 15.1.3. Having regard to the above assessments, I recommend that section 9(4)(d) of the Act of 2016 be applied and that permission be refused to be granted for the proposed development, for the reasons and considerations set out in the draft Order below.
- 15.1.4. Finally, I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

16.0 Recommended Order

Application for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Bord Pleanála on the 14th day of April, 2022, by Sandyford Environmental Construction Ltd. care of McCabe Durney Barnes, 20 Fitzwilliam Place, Dublin 2.

Proposed Development:

The development will consist of:

- 207 Build to Rent residential apartment units within 3 no. apartment blocks and as follows: • 48 No. Studio • 103 No. 1 bed • 55 No. 2 bed • 1 No. 3 bed;
- All residential units provided with private balconies/terraces to the north/south/east and west elevations;
- Crèche 306 sqm;
- Residential amenity spaces 415 sqm;
- Height ranging from 6 to 10 storeys (over basement);
- A public pocket park on the corner of Carmanhall Road and Ravens Rock Road and landscaped communal space in the central courtyard;

- Provision of a new vehicular entrance from Ravens Rock Road and egress to Carmanhall Road;
- Provision of pedestrian and cycle connections;
- Demolition of two light industry/office structures (total 1,613.49 sqm);
- 79 parking spaces and 288 cycle spaces at ground floor/undercroft and basement car park levels;
- Plant and telecoms mitigation structures at roof level. The development also includes 2 no. ESB substations, lighting, plant, storage, site drainage works and all ancillary site development works above and below ground;

at the Junction of Ravens Rock Road and Carmanhall, Sandyford, Dublin 18.

Decision

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

Matters Considered

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

Reasons and Considerations

1. The proposed development would feature an excessive residential density for the subject site in an urban neighbourhood of Dublin, which would fail to comply with the density provisions supported in policy and objective 3.1 of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities issued by the Department of Housing, Local Government and Heritage in 2024 and would materially contravene the

density provisions recommended in the Sandyford Urban Framework Plan forming appendix 16 to the Dun Laoghaire-Rathdown County Development Plan 2022-2028. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Having regard to the design, layout and height of the proposed development, including the street along the eastern boundary of the site featuring limited active frontage and restricted overlooking, the excessively overbearing height, scale and positioning of proposed apartment blocks A and C directly onto this street, and the proposed building heights exceeding the provisions of the Sandyford Urban Framework Plan forming appendix 16 to the Dun Laoghaire-Rathdown County Development Plan 2022-2028, the proposed development would not feature an appropriately responsive built form as required under policy and objective 4.2 of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities issued by the Department of Housing, Local Government and Heritage in 2024 and would materially contravene policy objective BHS 2 of the Dun Laoghaire-Rathdown County Development Plan 2022-2028 addressing building heights permissible in areas covered by an urban framework plan. Furthermore, in failing to preserve and protect any trees identified for preservation and protection in the southwest corner of the application site, the proposed development would fail to comply with the provisions set out under section 12.8.11 of the Dun Laoghaire-Rathdown County 2022-2028, requiring new developments to incorporate, as far as practicable, the amenities offered by existing trees identified in the accompanying zoning maps for preservation and protection. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Colm McLoughlin
Senior Planning Inspector

14th May 2024