



An
Bord
Pleanála

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

Inspector's Report ABP-313443-22

Strategic Housing Development

Demolition of dwellings known as 'Glenina' and 'Karuna'. construction of 137 no. apartments and associated site works.

Location

'Karuna' and 'Glenina', Sandyford Road, Dublin 18.
(www.sandyfordroadshd.ie)

Planning Authority

Dun Laoghaire Rathdown County Council

Applicant

Midsal Homes Limited .

Prescribed Bodies

An Taisce
Irish Water
Transport Infrastructure Ireland

Observer(s)

Alexander Molteni
Aonghus O'Keefe
Bernard Reilly
Carol Mongan
Concerned Residents of Coolkill
Cormac Donnelly and Mary McCarthy
Cul Cuille Management CLG
Declan and Caroline Kelly
Elisa Coluccia and Ahmed Fadi
Eoin Simpson
Gabriel and Fionnuala Treacey
Gary Nolan
Gordon Bothwell
Jako and Marianne Roux
Jason and Gillian Doyle
John Conway and the Louth
Environmental Group
Julie Lewis
Kalidone Developments Limited
Margaret Miley
Marie Melody
Marion and Declan Reidy
Michael J. and Anne Dooley
Neil and Colin Currie-Brown
Nuala and Aidan Shelley
Paul O'Kane
Paula Linehan
Peter Ashe-Browne
Peter Simpson

Robert Simpson and Lynne Pasley
Ros and Niamh Woodcock
Rosalind Lynch
Sandyford Downs Residents
Association
Sheena Hyland
Simon Carroll
Stephen and Barbara Mennell
Stuart Parkinson and Andrea Cusak
Valerie and Peter Masterson

Date of Site Inspection

27th March and 26th April 2023

Inspector

Sarah Moran

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Appendix I EIA Screening Determination

1.0 Introduction

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

2.0 Site Location and Description

- 2.1. The development site is located on the eastern side of Sandyford Road/R117, Leopardstown, Dublin 18, c. 590m northeast of the M50 at Junction 14, c. 315m southwest of Sandyford village and nearby to the north of Lamb's Cross. This is transitional location in the foothills of the Dublin Mountains on the urban fringe of Dublin and several new developments have been permitted in the vicinity. The Glencairn Luas stop is c. 2 km to the east of the site. The site is surrounded by existing development as follows:

- Residential properties within the Cul Cuille housing estate to the north, including a three storey apartment block facing Sandyford Road
- Rear gardens of houses within the Coolkill housing estate to the west
- Detached residential property 'The Pastures' to the south and associated grounds and the Lamb's Brook housing estate beyond
- Frontage to Sandyford Road to the west. There is a new 4-5 storey development, Whinsfield (ABP-302954-18) under construction across the road, also the grounds of Dun Laoghaire Rathdown County Council (DLRCC) Parks Department. Sandyford Road has partially segregated pedestrian and cycle facilities at this location and is served by several bus routes.

- 2.2. The total stated site area is 0.92 ha. The site currently comprises two houses, 'Karuna' and 'Glenina', and associated grounds and vehicular entrances to the Sandyford Road, with mature trees and other vegetation at site boundaries. The site rises by c. 6m from north to south and by c. 1.5m from west (Sandyford Road) to east (Coolkill). The red line site boundary includes an area at the Sandyford Road frontage to facilitate road works, new vehicular/cycle/pedestrian connections and connection to site services, which is not in the ownership of the applicant.

3.0 Proposed Strategic Housing Development

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

Site Area	0.92 ha (stated net developable area c. 0.829 ha)
No. of Units	137 no. apartments
Total Resi Floorspace	13,144 sq.m.
Height	1 – 6 storeys
Density	165 units/ha
Site Coverage	33% developable area
Plot Ratio	1.59
Dual Aspect Units	69% dual aspect (95 units)
Amenities / Communal Open Space	No public open space 1,299 sq.m. communal amenity space (15.6% of developable area) 404 sq.m. internal communal amenity space
Childcare	No provision
Part V	13 no. Part V units to be transferred to DLRCC
Roads / Pedestrian and Cycle Infrastructure	Works to Sandyford Road including a new pedestrian connection to Cul Cuille Total of 4 no. pedestrian/cycle accesses to Sandyford Road Vehicular access at the northern end of the site from Sandyford Road to basement/undercroft car park
Parking	137 no. car parking spaces including 6 no. car club spaces and 4 no. set down spaces 340 no. cycle parking spaces 6 no. motorcycle spaces
Site Services	Connection to existing public sewer and water supply at Sandyford Road
Ancillary Works	Demolition of existing houses and structures at the development site Bin store, substation, switch room, meter rooms, plant rooms, new telecommunications infrastructure at rooftop level including microwave link dishes concealed in shrouds

3.6. The proposed apartments are laid out in four blocks as follows:

- Block A 3-5 storeys including part lower ground floor, 13 no. apartments, concierge room located at lower ground floor level
- Block B 3-5 storeys over communal basement / undercroft level, 44 no. apartments
- Block C 4-6 storeys over communal basement / undercroft level, 38 no. apartments and two no. communal amenity spaces (c. 140 sq.m.), to be used as a residents' gym
- Block D 1-6 storeys over communal basement / undercroft level, 44 no. apartments and two no. hot desk/work from home spaces (c. 137 sq.m.)

3.7. The proposed housing mix is as follows:

Apartment Type	No. of Units	%
1-bed	32	23%
2-bed	78	57%
3-bed	27	20%
Total	137	

3.8. The application also includes, inter alia, an EIA Screening Report, an AA Screening Report and an Ecological Impact Assessment Report.

4.0 Planning History

4.1. There is no planning history on file specifically relating to the development site. The following cases relate to adjacent sites in the immediate vicinity of Sandyford Road and Lamb's Cross.

4.2. D14A/0843 PL06D.244843 Cul Cuille, Sandyford Road

- 4.2.1. Relating to a site to the immediate north/northeast of the development site. Permission sought to demolish an existing residence and to construct six no. two storey houses, four no. apartments and two no. three-bed duplex units in a 2-3 storey building. The planning authority granted permission on 8th April 2015. The

decision was the subject of a first party appeal, ref. PL 06D.244843, which was withdrawn. The permitted development is now complete.

4.3. D21A/0595 ABP-312990-22 The Pastures, Sandyford Road

- 4.3.1. Relating to 'The Pastures', a large, detached dwelling and associated grounds to the immediate south of the development site, accessed via the Lamb's Brook estate. Permission sought for demolition of the existing house and construction of 33 no. apartments in two no. 3-5 storey blocks. DLRCC granted permission on 21st February 2022, subject to 45 no. conditions. Condition no. 2 of the permission required the omission of a floor of Block B to the rear of the site, such that Block B shall consist of three floors only. Condition no. 3 limited the development to 27 no. residential units only. This decision is currently the subject of appeals by the applicant and by several third parties. The outcome of same remains pending at the time of writing.

4.4. D17A/1003 ABP-302954-18 Whinsfield, Sandyford Road

- 4.4.1. Relating to 'Whinsfield', a detached house and grounds on the western side of Sandyford Road, opposite the development site. Permission sought to demolish the existing house and to construct 67 no. apartments in three no. 4-5 storey blocks, stated density 60 units/ha. The planning authority granted permission for a revised proposal, amended by way of further information/clarification of further information. This decision was the subject of several third party appeals. The Board upheld the decision of the planning authority and granted permission subject to revised conditions on 27th March 2019. The conditions imposed by the Board did not involve any significant amendments to the development. The permitted development is currently under construction.

4.5. ABP-309965-21 SHD at Lamb's Cross/ Crohamhurst, Sandyford Road

- 4.5.1. Relating to a site at the junction of Sandyford Road and Lamb's Cross, to the southwest of the development site. Permission sought for demolition of an existing dwelling and the construction of a mixed use development comprising 143 no. apartments with ancillary facilities, commercial unit, two no. office units, coffee shop, gym, community room and a crèche in four no. 4-7 storey blocks with a single storey creche element, stated density of 145 units/ha. The Board refused permission on 5th August 2021 for three no. reasons relating to:

- Board not satisfied that a comprehensive evaluation of the impact of the development including the construction of a basement level and potential dewatering of the ponds in Gorse Hill has been provided. Concerns that the development would adversely impact on the hydrology and hydrogeology of the four number ponds in the Gorse Hill area with potential negative consequences for the smooth newt. It is also considered that the developer has not adequately demonstrated that the proposed development, which includes a boardwalk through the Fitzsimons Wood proposed Natural Heritage Area would be in accordance with the provisions of Policy LHB19: Protection of Natural Heritage and the Environment and Policy LHB22: Designated Sites of the Green County Strategy in the Dun Laoghaire Rathdown County Development Plan 2016-2022 to protect and preserve areas designated as proposed Natural Heritage Areas.
- Substandard form of development due to scale, bulk and design of blocks, poor quality open space provision, undue overshadowing of adjacent Whinsfield development and poor quality elevational treatments, contrary to the provisions of the Sustainable Residential Development in Urban Areas Guidelines, the Apartment Guidelines, and relevant development plan policies.
- Development materially contravenes development plan Policy UD6: Building Height Strategy. The statutory requirements relating to public notices and the submission of a material contravention statement have not been complied with by the developer. Accordingly, the Board is precluded from granting permission in circumstance where the application is in material contravention of the development plan and where the statutory requirements referred to above have not been complied with.

5.0 Section 5 Pre Application Consultation

5.1. Pre-Application Consultation ABP-311609-21

- 5.1.1. The pre-application consultation related to a proposal to construct 147 no. BTR apartments in four no. 3-6 storey blocks at the development site. A section 5 consultation meeting took place on 6th January 2021 between representatives of ABP, the planning authority, and the prospective applicant. Following consideration of the issues raised during the consultation process and having regard to the opinion

of the planning authority, the Board issued an Opinion on 14th January 2022, which considered that the documents submitted with the request to enter into consultations constitute a reasonable basis for an application for strategic housing development.

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

- Updated Architectural Design Statement to include a justification for the proposed development, having regard to, inter alia, urban design considerations, visual impacts, site context, the locational attributes of the area, linkages through the site, pedestrian connections and national and local planning policy and to specifically address height, scale and massing, finishes of the blocks, the design relationship between the individual blocks within the site, the relationship with adjoining development and the interface along the site boundaries.
- A detailed statement, demonstrating how the proposed development will tie in safely with the wider road network, along Sandyford Road, in particular with respect to pedestrian and cycle routes.
- A report that addresses issues of residential amenity (both existing residents of adjoining development and future occupants), specifically with regards to potential overlooking, overshadowing and overbearing, to include full and complete drawings including levels and cross-sections showing the relationship between the proposed development and adjacent residential development.
- A rationale or evidence based justification that the proposed resident support facilities and resident services and amenities are appropriate and accord with SPPR7 (b) of the Apartment Guidelines 2020.

5.2. Applicant's Statement of Response to Pre-Application Consultation

5.2.1. The application includes a statement of response to the pre-application consultation, as provided for under section 8(1)(iv) of the Act of 2016, which outlines the information/ documentation submitted as specified in the ABP Opinion. Section 1.2 of the response also outlines changes made to the development subsequent to the pre-application consultation.

6.0 Relevant Planning Policy

6.1. National Planning Policy

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

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

6.2. Project Ireland 2040 National Planning Framework

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

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

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

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

NPO 11: In meeting urban development requirements, there will be a presumption in favour of development that can encourage more people and generate more jobs and

activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth.

NPO 13: In urban areas, planning and related standards, including, in particular, height and car parking will be based on performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.

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

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

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

6.3. Dun Laoghaire Rathdown County Development Plan 2022-2028

6.3.1. The Dun Laoghaire Rathdown County Development Plan 2022-2028 came into effect on 21st April 2022 and is therefore the relevant development plan for the subject development, which was lodged on 28th April 2022.

6.3.2. The site is zoned 'Objective A' as per development plan land use zoning Map 5, where there is a stated objective to provide residential development and improve residential amenity while protecting the existing residential amenities. Map 5 also indicates a six year roads objective/traffic management/active travel upgrades at Sandyford Road/R117.

6.3.3. The following development plan policy relates to demolition of existing buildings:

Policy Objective CA6: Retrofit and Reuse of Buildings It is a Policy Objective to require the retrofitting and reuse of existing buildings rather than their demolition and reconstruction where possible recognising the embodied energy in existing buildings and thereby reducing the overall embodied energy in construction as set out in the

Urban Design Manual (Department of Environment Heritage and Local Government, 2009). (Consistent with RPO 7.40 and 7.41 of the RSES)

- 6.3.4. Development plan Chapter 4 addresses residential development, including the following policies which are noted in particular:

Policy Objective PHP6: Childcare Facilities It is a Policy Objective to: Encourage the provision of appropriate childcare facilities as an integral part of proposals for new residential developments and to improve/expand existing childcare facilities across the County. In general, at least one childcare facility should be provided for all new residential developments subject to demographic and geographic needs. Encourage the provision of childcare facilities in a sustainable manner to encourage local economic development and to assist in addressing disadvantage.

Policy Objective PHP18: Residential Density It is a Policy Objective to: Increase housing (houses and apartments) supply and promote compact urban growth through the consolidation and re-intensification of infill/brownfield sites having regard to proximity and accessibility considerations, and development management criteria set out in Chapter 12. Encourage higher residential densities provided that proposals provide for high quality design and ensure a balance between the protection of existing residential amenities and the established character of the surrounding area, with the need to provide for high quality sustainable residential development.

Policy Objective PHP19: Existing Housing Stock - Adaptation It is a Policy Objective to: Conserve and improve existing housing stock through supporting improvements and adaption of homes consistent with NPO 34 of the NPF. Densify existing built-up areas in the County through small scale infill development having due regard to the amenities of existing established residential neighbourhoods.

Policy Objective PHP20: Protection of Existing Residential Amenity It is a Policy Objective to ensure the residential amenity of existing homes in the Built Up Area is protected where they are adjacent to proposed higher density and greater height infill developments.

Policy Objective PHP27: Housing Mix It is a Policy Objective to encourage the establishment of sustainable residential communities by ensuring that a wide variety of housing and apartment types, sizes and tenures is provided throughout the

County in accordance with the provisions of the Housing Strategy and Housing Need Demand Assessment (HNDA) and any future Regional HNDA.

Policy Objective PHP31: Provision of Social Housing It is a Policy Objective to promote the provision of social housing in accordance with the Council's Housing Strategy and Government policy as outlined in the DoHPLG 'Social Housing Strategy 2020'. The Affordable Housing Act 2021 provides for 20% for social and affordable homes.

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

- 6.3.5. Development plan Chapter 9 provides policies on open space including the following:

Policy Objective OSR4: Public Open Space Standards It is a Policy Objective to promote public open space standards generally in accordance with overarching Government guidance documents 'Sustainable Residential Development in Urban Areas - Guidelines for Planning Authorities', (2009), the accompanying 'Urban Design Manual - A Best Practice Guide', and the 'Sustainable Urban Housing: Design Standards for new Apartments', (2020).

- 6.3.6. Development plan Chapter 12 sets out development management standards for residential development including childcare facilities, residential size and mix, residential density, infill development, demolition and replacement dwellings, car and cycle parking standards, public and communal open space in residential developments, play facilities and retention of existing trees and hedgerows.

- 6.3.7. Development plan Appendix 2 provides the county Housing Strategy and Housing Demand and Need Assessment (HDNA).

- 6.3.8. Development plan Appendix 5 provides the county Building Height Strategy. Table 5.1 of Appendix 5 sets out performance based criteria for the assessment of increased building height in the county. The following policy is noted in particular:

Policy Objective BHS 3 Building Height in Residual Suburban Areas It is a policy objective to promote general building height of 3 to 4 storeys, coupled with appropriate density in what are termed the residual suburban areas of the County

provided that proposals ensure a balance between the reasonable protection of existing amenities including residential amenity and the established character of the area.

Having regard to the Building Height Guidelines and more specifically in order to apply SPPR 3 there may be instances where an argument can be made for increased height and/or taller buildings in the residual suburban areas. Any such proposals must be assessed in accordance with the criteria set out below in table 5.1 as contained in Section 5. The onus will be on the applicant to demonstrate compliance with the criteria.

Within the built up area of the County increased height can be defined as buildings taller than prevailing building height in the surrounding area. Taller buildings are defined as those that are significantly taller (more than 2 storeys taller) than the prevailing height for the area.

6.4. Statement of Consistency

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

- The development supports several core principles and strategic outcomes of the NPF and NPF objectives including NPOs 1b, 1c, 2a, 3a, 3b, 4, 5, 6, 8, 11, 13, 26, 27, 32, 33, 35.
- The development will support the delivery of objectives in Housing for All and Rebuilding Ireland, including the transfer of 13 no. Part V units to DLRCC for social housing.
- The applicant provides a rationale with regard to the development management criteria set out in section 3.2 and SPPR 4 of the Building Height Guidelines. The application provides supporting documentation including Visual Impact Assessment and Daylight and Sunlight Assessment.
- It is submitted that the development has an 'intermediate' urban location with regard to the Apartment Guidelines in view of proximity to the M50, distance of c. 1.5 km to the Beacon Hospital, 2.5 km to Dundrum Town Centre, a c. 20 – 25

minute walking distance or 7 minute cycle to the Luas Green Line at Glencairn. The apartments have been designed to be consistent with the Apartment Guidelines and relevant SPPRs with regard to, inter alia, housing mix, floor areas, floor to ceiling height, dual aspect ratio, number of units per core, internal storage and private and communal amenity space, with details provided in the submitted Housing Quality Assessment.

- The development will deliver a high quality residential scheme at an accessible location, in accordance with the Sustainable Residential Development in Urban Areas Guidelines. The application includes a detailed response to the 12 criteria set out in the Urban Design Manual.
- The application includes a DMURS Design Statement and an appraisal of consistency with DMURS.
- The application includes a Flood Risk Assessment Report in relation to the Flood Risk Management Guidelines.
- The application provides a rationale for the omission of a childcare facility at the development with regard to the Childcare Guidelines. A Childcare Demand Assessment is submitted.
- The development is consistent with several Strategic Policies of the Regional Planning Guidelines for the Greater Dublin Area and Regional Policy Objectives of the EMRA RSES, including RPOs 4.3, 5.4, 5.5 and 9.4.
- The Statement provides a detailed assessment of consistency with relevant development plan policies including in relation to land use zoning, development management standards, design criteria, demolition and replacement dwellings, traffic and transport issues, open space provision, play facilities, retention of existing trees and hedgerows, telecommunications, public lighting, protection of existing residential amenities. There is also a detailed response to the criteria for consideration of increased building height as set out in Table 5.1 of development plan Appendix 5.

6.5. Material Contravention Statement

- 6.5.1. The applicant has submitted a Material Contravention Statement in relation to the matters of building height, car parking, public open space, daylight and sunlight,

separation distances, external storage and 5% variation to apartment room sizes/ widths, with regard to policies and objectives of the Dun Laoghaire Rathdown County Development Plan 2022-2028. At the outset, it is submitted that the development is of both strategic and national importance with regard to the potential delivery of objectives and targets of Rebuilding Ireland, Housing for All and the NPF, at an accessible location served by public transport, and that permission should be granted under section 37(2)(b)(i) of the Planning and Development Act 2000 (as amended). The points made in relation to each of the above matters may be summarised separately as follows.

6.5.2. Building Height Material Contravention Statement

- Refers to policy BHS3 of development plan Appendix 5 and the applicant's response to the criteria of Table 5.1. It is submitted that the development also complies with development plan Policy Objective PHP42 and that development plan objectives in relation to building height are not clearly stated and therefore section 37(2)(b)(ii) applies.
- It is submitted that section 37(2)(b)(iii) applies and that the development can be facilitated with regard to national planning policy, in particular the NPF, the RSES EMRA, the Building Height Guidelines and the Apartment Guidelines. The Statement in particular refers to the applicant's rationale with regard to the development management criteria of the Building Height Guidelines and to the site's intermediate urban location with regard to the Apartment Guidelines.
- It is submitted that section 37(2)(b)(iv) applies and that the development can be facilitated with regard to the pattern of development and permissions granted in the area since the making of the development plan. The Statement refers to recent grants of permission in the wider area, which were made prior to the adoption of the current development plan on 21st April 2022. However, the pattern of development in the area is in transition from lower density housing to higher density apartments. The following cases are referred to:
 - ABP-309828-21 Sector 3, Aiken's Village, Townland of Woodside and Kilgobbin, Stepaside, Dublin 18. (www.ironbornshd2.com). Permission granted for 445 no. BTR apartments, creche and associated site works with heights of up to eight storeys.

- D21A/0595 The Pastures, Sandyford Road, Dublin 18. Permission granted for demolition of 'The Pastures' and garage and construction of 33 apartments with heights of up to five storeys (noting that this decision is currently under appeal).
- D18A/0609 ABP-303196-18 Mount Eagle, Kilgobbin Road, Sandyford, Co. Dublin. Permission granted for of 32 no. units with heights of up to three storeys.
- D17A/1003 ABP-302954-18 Whinsfield, Sandyford, Dublin 18. Permission granted for of 67 no. apartments in three blocks with heights of up to 4-5 storeys.

6.5.3. Car Parking Material Contravention Statement

- The proposed car parking provision does not meet the standards for Parking Zone 3 as set out development plan Table 12.5. Development plan section 12.4.5.2 provides for a deviation from the car parking standards set out in Table 12.5 subject to certain criteria. Refers to section 4.21 of the Apartment Guidelines, which provides for a reduced overall car parking standard and an appropriate maximum parking standard. As the development plan sets a 'fixed' standard for car parking in Parking Zone 3, it does not "apply an appropriate maximum car parking standard", contrary to the guidance in the Apartment Guidelines and thus it is considered that section 37(2)(b)(ii) applies as the maximum car parking standard is not clearly stated in the development plan.
- It is submitted that section 37(2)(b)(iii) applies in relation to national planning policy, in particular the guidance provided on car parking in the Apartment Guidelines with regard to the accessible location of the development site and submitted mobility management proposals.
- The development has a car parking ratio of one space per residential unit. This exceeds the ratio of 0.9 spaces per unit at the Aiken's Village SHD ref. ABP-309828-21. It is submitted on this basis that section 37(2)(b)(iv) applies in relation to car parking.

6.5.4. Public Open Space Material Contravention Statement

- Development plan Table 12.8 states that a public open space standard equivalent to 15% of the site area applies to residential development in the existing built up area. Development plan section 12.8.3.1 states that Table 12.8 has had regard to the content of the Sustainable Residential Development in Urban Areas Guidelines. These Guidelines state that public open space should generally be provided at a minimum rate of 10% of the total site area at locations such as large infill sites or brown field sites. It is submitted on this basis that development plan Table 12.8 and section 12.8.3.1 are not in alignment in relation to public open space and that section 37(2)(b)(ii) applies.
- It is also submitted that section 37(2)(b)(iii) applies with regard to the Apartment Guidelines, which only require the provision of communal open space with no requirement to provide public open space specified.
- Development plan section 12.8.3.1 provides for the payment of a section 48 development contribution in certain instances where it may not be possible to meet development plan public open space standards, such as high density urban schemes and/or smaller urban infill schemes. The applicant has submitted a rationale for this measure in this instance.

6.5.5. Daylight and Sunlight Material Contravention Statement

- Development plan section 12.3.4.2 states:
Development shall be guided by the principles of Site Layout Planning for Daylight and Sunlight, A guide to good practice (Building Research Establishment Report, 2011) and/or any updated, or subsequent guidance, in this regard. A daylight analysis will be required for all proposed developments of 50+ units, or as otherwise required by the Planning Authority. The impact of any development on existing habitable rooms should also be considered.
- The Apartment Guidelines state:
Planning authorities should have regard to quantitative performance approaches to daylight provision outlined in guides like the BRE guide 'Site Layout Planning for Daylight and Sunlight' (2nd edition) or BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting' when undertaken by

development proposers which offer the capability to satisfy minimum standards of daylight provision.

- The submitted Daylight and Sunlight Assessment demonstrates that a small number of units do not fully BRE recommendations, which may be considered to be a material contravention of development plan section 12.3.4.2. The application includes proposed compensatory design measures for the rooms that do not meet the recommended minimum ADF target. The Apartment Guidelines allow for such compensatory measures. It is submitted that section 32(2)(b)(iii) therefore applies in relation to any potential material contravention of development plan section 12.3.4.2.

6.5.6. Separation Distances Material Contravention Statement

- It is submitted that section 37(2)(b)(ii) applies as there are conflicting development plan policies in relation to separation distances. The development plan states:

A minimum standard of 22 metres separation between directly opposing rear first floor windows should usually be observed, for new developments. This normally results in a minimum rear garden depth of 11 metres...

In all instances, private open space should not be unduly overshadowed and where there is the potential for the proposed development to overshadow or overlook existing/future development adjoining the site, minimum separation distances to boundaries should be increased.

In an exceptionally well-designed scheme providing an otherwise very high-quality living environment and that is in close proximity to existing public open spaces, the above standards may be relaxed.

Any relaxing of standards will be assessed on a case by-case basis and should not be seen as setting a precedent for future development.

It also states:

... a minimum clearance distance of circa 22 metres, in general, is required, between opposing windows in the case of apartments up to three storeys in height. In taller blocks, a greater separation distance may be prescribed having regard to the layout, size, and design.

And:

All proposals for residential development, particularly apartment developments and those over three storeys high, shall provide for acceptable separation distances between blocks to avoid negative effects such as excessive overlooking, overbearing and overshadowing effects and provide sustainable residential amenity conditions and open spaces ...

In certain instances, depending on orientation and location in built-up areas, reduced separation distances may be acceptable. In all instances where the minimum separation distances are not met, the applicant shall submit a daylight availability analysis for the proposed development.

It is submitted that there are conflicting policies in the development plan in relation to separation distances and that section 37(2)(b)(ii) applies.

- It is submitted that section 37(2)(b)(iii) applies with reference to the Apartment Guidelines, which state:

The National Planning Framework signals a move away from rigidly applied, blanket planning standards in relation to building design, in favour of performance based standards to ensure well-designed high quality outcomes. In particular, general blanket restrictions on building height or building separation distance that may be specified in development plans, should be replaced by performance criteria, appropriate to location. While it would not be appropriate for these Guidelines to indicate performance criteria for building height or building separation distance relative to location, it is recognised that there is a need for greater flexibility in order to achieve significantly increased apartment development in Ireland's cities.

Also the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, which state:

While a 22 metre separation distance between opposing above ground floor windows is normally recommended for privacy reasons, this may be impractical and incompatible with infill development. In these cases, innovation and flexibility will [be] essential in the interpretation of standards so that they do not become

inflexible obstacles to the achievement of an attractive village and small town character in new development...

Similarly at the rear of dwellings, there should be adequate separation (traditionally about 22 m between 2-storey dwellings) between opposing first floor windows. However, such rules should be applied flexibly: the careful positioning and detailed design of opposing windows can prevent overlooking even with shorter back-to-back distances. Windows serving halls and landings do not require the same degree of privacy as, say, balconies and living rooms...

- A rationale for the proposed separation distances is submitted with regard to potential overlooking, daylight and sunlight impacts and other potential impacts on residential amenities.

6.5.7. External Storage Material Contravention Statement

- Development plan Table 12.3 specifies internal storage standards for residential development. The plan also states that apartment schemes should provide external storage for bulky items outside individual units (i.e. at ground or basement level), in addition to the minimum apartment storage requirements, but does not prescribe any quantitative standard for same. It is submitted that the development plan objective in relation to external storage provision is not clearly stated and the development can therefore be facilitated in accordance with Section 37(2)(b)(ii).

6.5.8. Apartment Room Sizes/Widths Material Contravention Statement

- Development plan section 12.3.4.2 states:

The minimum size of habitable rooms for houses/apartments/and flats shall conform with appropriate National guidelines/standards in operation at the date of application for planning permission, including the minimum dimensions as set out in 'Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities' (2018), and 'Quality Housing for Sustainable Communities: Best Practice Guidelines for Delivering Homes Sustaining Communities' (2007)

The Apartment Guidelines allow a variation of 5% of the minimum floor areas and apartment widths, subject to overall compliance with required minimum overall

apartment floor areas. The 5% variation is applied to a number of units within the development, as detailed in the Housing Quality Assessment. It is submitted that the aggregate areas and room widths are accordance with the Apartment Guidelines and, therefore, Section 37(2)(b)(iii) applies.

7.0 Third Party Submissions

7.1. Submissions by Local Residents

7.1.1. Most of the third party submissions have been made by or on behalf of local residents. The main points made may be summarised as follows.

7.1.2. Third Party Comments on Principle of Development / General Issues

- There is a lack of capacity in local schools, GPs and other local services and amenities to cater for the development. The scheme does not offer any facilities that could be used by local residents.
- The Social Infrastructure Audit (SIA) only indicates four primary schools close to the development site. Most are of a Catholic ethos and apply limited enrolment criteria. Existing schools in the vicinity are oversubscribed. The SIA indicates a chronic lack of post-primary education in the area. The vast majority of the post-primary school places identified in the SIA are at the fee-paying school Wesley College.
- The development does not provide a childcare facility. There is a severe lack of available childcare in the area. Existing facilities within reach of the development site are oversubscribed. The submission in the Childcare and Demand Assessment that most residents of the development will not have children is not credible. The Assessment does not consider the need for after school childcare services. The applicant has not adequately justified contravention of the Childcare Guidelines and development plan policy by not providing on-site childcare.
- The applicant has not clarified whether the development is to be BTR. Concerns that the development will be occupied by transient tenants. It is submitted that the development is a BTR scheme in all but name as it includes site management and resident amenities.

- The proposed housing mix of apartments will not meet the housing needs of local families.
- The Board should consider the cumulative impacts of multiple new developments in the area in recent years, noting in particular the permissions granted under ABP-302954-18 at Whinsfield and D21A/0595 at The Pastures (noting that same is currently under appeal).
- The applicant has not consulted with local residents regarding the proposed development.
- The applicant has not addressed issues raised in the pre-planning consultation, in particular in relation to integration with the character and public realm of the area and density, visual impacts, separation distances, height and access to public transport, childcare provision and access to schools.
- The development would substantially depreciate the values of adjacent residential properties.
- The development does not comply with several aspects of several section 28 guidelines such as the Apartment Guidelines, the Sustainable Residential Development in Urban Areas Guidelines, the Urban Design Manual and the Building Height Guidelines, primarily in relation to the quality of residential development, scale, density and height and response to the site context.
- The 'A' zoning objective at the development site does not specifically provide for SHD or LRD and the development therefore may contravene the site zoning. The development materially contravenes the development plan in several respects, as set out in the Material Contravention Statement.
- The new development plan is consistent with national planning policies including section 28 guidelines. The development does not meet the section 37(2) criteria for material contravention of the plan.

7.1.3. Third Party Comments on Density and Height

- The height, scale, massing and density of development are out of character with this sensitive transitional location, which is currently primarily characterised by two storey residential development.

- The context of the area to the west of the development site is very different from that to the east in terms of height and residential density. The area to the east is characterised by low density 2-3 storey residential development. Therefore, planning applications to the west of the development site are not relevant in terms of precedent for these issues.
- It is submitted that the development does not respond well to several of the criteria set out in the Urban Design Manual including context, variety and design and also contravenes development plan policies on density and height.
- The development does not meet appropriate planning standards in relation to density and height and therefore does not comply with national planning policy on compact urban development as per the NPF, noting in particular NPO33, which seeks to support sustainable development at an appropriate scale of provision relative to location.
- Material contravention of the development plan in relation to density and height soon after the plan is adopted would bring the planning process into disrepute.
- The blocks within the development are too close together and inadequate open space is provided, indicative of excessive density and overdevelopment of the site.
- There is an area included in calculation of ratios which is not in the ownership of the applicant, thereby distorting the density calculations.
- Third parties contest the applicant's assessment of the development site as an intermediate urban location with regard to the Apartment Guidelines. It is submitted that Sandyford Village is more appropriately classified as a peripheral and/or less accessible urban location, with regard to the current provision of public transport services in the area and the distance to the nearest Luas stop. Third parties note that DLRCC Transportation Planning considered the adjoining site at The Pastures as a peripheral / less accessible location in its assessment of the recent application D21A/0595.
- Refers also to Circular Letter NRUP 02/2021 and guidance therein on residential density.

- The proposed density of 165 units/ha is similar to that proposed nearby at Lamb's Cross under ABP-309965-20, which was refused permission. The density is excessive when compared to planning applications cited by the applicant as precedent in the area, including those at The Pastures (85 units/ha), Whinsfield (61 units/ha), Sandyford Green (35 units/ha), Cul Cuille (34 units/ha), IronBorn SHD (131 units/ha) and Mount Eagle (73 units/ha).
- The development does not meet the criteria for building height set out in Table 5.1 of the development plan Building Height Strategy and does not comply with other development plan policies on building height. The development is not justified in terms of 'upward modifiers' as per the Building Height Strategy, mainly due to detrimental impacts on the character of the area and to the lack of high quality public transport at this location. The development plan was adopted subsequent to the Building Height Guidelines and is consistent with same. The development also does not respond adequately to the development management criteria set out in the Building Height Guidelines.
- Given the existing pattern of development in the area, it is submitted that building height should be limited to a maximum of three or four storeys at this location.
- Third parties note that the height of the development permitted at under D21A/0595 at The Pastures to the immediate south of the site was limited by condition as the planning authority did not consider that a five storey height was justified at this location, with Block B to the rear of The Pastures reduced to three storeys. The permitted development at Whinsfield across the road from the development site is four storeys.
- The sloping topography of the site does not justify the proposed increase in height.
- It is submitted that the development is higher than the stated 5-6 storeys due to the presence of an undercroft/semi-basement, also that the building heights are not clearly stated in the documentation on file and that the application is misleading in relation to this matter.

7.1.4. Third Party Comments on Impacts on Residential and Visual Amenities

- The development will have adverse impacts on residential amenities in contravention of the 'A' residential zoning objective, which seeks to protect and/or improve residential amenity.
- The development is too close to residential properties in Coolkill, noting the presence of single storey structures to the rear of several of these properties. It will appear higher than six storeys at this location, due to the basement/undercroft level.
- The development will be visually obtrusive due to its bulk, height and proximity to Sandyford Road. It will ruin views of the Dublin mountains from the surrounding area. Development plan Table 8.1 lists prospects to be preserved including 'Three Rock Mountain and Two Rock Mountain from the Enniskerry Road (Sandyford-Kiltiernan area) and Sandyford Village.
- The development will appear monolithic in views from residential properties to the east of the site.
- The submitted verified views, CGIs and Landscape and Visual Impact Assessment (LVIA) are inaccurate, misleading, distorted, subjective and biased, are not validated by a subsequent site visit, omit any assessment of impacts on neighbouring visual amenities and are not in accordance with the guidance provided in the Landscape Institute UK Guidelines for Landscape and Visual Impact Assessment. The impacts are subject to extreme wide angle lens distortion, which makes the development appear less visually obtrusive. In addition, the camera has been tilted upwards in some views, rather than taken horizontally, which further distorts images. The CGI's also include trees that are to be felled to facilitate the development and are also inaccurate on this basis and therefore misrepresent visual impacts. Many of the chosen viewpoints are biased and arbitrary, being much further from the development than necessary, such that the development occupies a relatively small proportion of the views and appears smaller. Viewpoints closer to the development site should have been selected. The CGI's do not represent the true scale and visual impacts of the development and the LVIA consequently underestimates visual impacts. This is contrary to the recommendations of the Technical Guidance Note by the UK

Landscape Institute entitled 'Visual Representation of Development Proposals', which is referred to in the LVIA. The applicant should have submitted composite panoramic images, which would have more accurately represented the true scale of the development.

- In addition to these issues, contiguous elevations do not include the houses closest to the development and therefore do not fully indicate impacts. The contiguous elevations also indicate four storeys at The Pastures development, even though only three storeys have been granted permission at this location.
- The scheme will have a monolithic visual impact at Sandyford Road and will have overbearing visual impacts on adjacent residential properties.
- The development will result in significant overlooking of residential properties to the east, due to proximity to site boundaries.
- The proposed toddler play area would have adverse noise impacts on adjacent residential properties at Coolkill. There is already a play area permitted at The Pastures to the south of the development.
- The development will result in overshadowing of adjacent residential properties due to its monolithic nature.
- Existing residential properties to the east are already overshadowed by a belt of evergreen trees at the site boundary. These trees should be not included in the baseline results of the Daylight and Sunlight Assessment, as they will be removed to facilitate the development. The Assessment is consequently flawed as it relies on an inaccurate baseline. Also submitted that the Assessment includes the full height of Block B at The Pastures, where in fact only three storeys were actually permitted.
- The combination of misleading heights and inaccurate shadow assessment grossly misrepresent impacts on residential amenities to the east of the development. There are particular concerns about Block B in relation to these issues. Block B needs to be reduced in height, scale, bulk and massing and its design revised to address adverse impacts on residential amenities to the east.

- The adverse overshadowing, overlooking and visual impacts to the east of the development site will be exacerbated by the development of The Pastures to the south.
- Concerns about construction impacts on residential amenities, in particular noise associated with rock breaking and excavation of granite bedrock during construction of the basement/undercroft car park, also impacts associated with noise, dust, traffic, light overspill. The noise impact assessment is likely to underestimate noise impacts as the baseline noise survey was taken at the Sandyford Road boundary where traffic noise is at its highest and does not represent the noise environment to the east of the site. Conditions restricting hours of construction and requiring liaison with local residents should be imposed if permission is granted. Also conditions specifying construction noise and vibration thresholds and monitoring. An independent structural engineer's report should be commissioned before and after the development to assess impacts on adjacent properties, with the developer to fund any necessary repairs. Only non-impact driven rock breaking should be permitted at the development.
- A condition is requested specifying reduced hours of construction, given that the construction phase is predicted to last for four years.

7.1.5. Third Party Comments on Open Space, Trees and Ecology

- The development does not include adequate public open space provision and contravenes development plan policy PHP19 in relation to same. A development contribution in lieu of public open space provision would not achieve a satisfactory contribution to the public realm of the area and is unacceptable to local residents.
- Concerns that the lack of public open space at the development will result in more intensive use of other public open spaces in the area and exacerbate existing issues of anti-social behaviour at these locations.
- Residents comment that there is a lack of play facilities in the area. Fitzsimons Wood is a protected forest which has very limited walkways and paths.
- The development involves the removal of mature trees with consequent impacts on local wildlife and biodiversity.

- The loss of trees and hedgerows at the site contravenes development plan policies, which seek to retain trees and woodlands within developments.
- Potential adverse impacts on bats associated with the removal of mature trees at the development site.
- Concerns about potential impacts on wildlife at Fitzsimons Wood pNHA due to ecological linkages to the development site.
- The applicant has not carried out adequate assessment/investigation of ground conditions at the development site. There is a strong likelihood of granite bedrock close to the ground surface at the site, as has occurred at other development sites in the vicinity. The applicant has incorrectly assumed that site excavations to construct the basement/undercroft car park will be in boulder clay. Due to inadequate site investigations, the noise and vibration effects of development works have not been adequately assessed and mitigated. In addition, the potential effects on groundwater flows and the local aquifer have not been adequately assessed and mitigated and the EIA scoping may be invalid. Permission should not be granted in the absence of adequate investigation of required rock excavation.
- The development lacks protective measures for wildlife, including bats.

7.1.6. Third Party Comments on Traffic and Transport Issues

- The development will be car dependent and will exacerbate existing traffic congestion due to inadequate current public transport provision in the area. It will result in increased noise and air pollution associated with additional traffic.
- The applicant's Transport Assessment is unsound as it assesses only three roads/junctions; it does not consider the existing very high baseline of current traffic congestion now in Dublin, Dublin's suburbs and commuter belt; it ignores existing traffic congestion issues in the immediate vicinity and it does not assess cumulative traffic impacts associated with other developments permitted nearby. It is submitted that the TA conclusion that the existing road network has adequate capacity to accommodate the minor uplift in demand that will be generated by the development lacks credibility in the face of the lived experience of locals.

- Inadequate car parking provision within the development will lead to overspill parking and consequent congestion on local roads. This will be exacerbated by the proposed new pedestrian connection to Cul Cuille. The development does not meet any of the criteria for reduced car parking provision as per development plan section 12.4.5.2.
- Concerns about unauthorised set down parking at the Sandyford Road frontage of the development, with consequent traffic hazard.
- Construction workers at the development site should not be permitted to park in surrounding residential areas.
- Works to Sandyford Road to provide bus and cycle lanes should be completed in advance of the development.

7.1.7. Third Party Comments on Other Issues

- The internal layout of the development is poor with inadequate separation distances between blocks, overshadowing of residential units, many primarily north facing units and inadequate open space provision.
- Concerns that the development could result in flooding of adjacent residential areas downslope of the site as a result of flaws in the proposed surface water drainage design, of potential changes to groundwater flows as a result of site excavation works and of the removal of existing vegetation at the development site.
- Concerns about potential impacts on the original site of The Pale wall at this location.
- The existing boundary wall at the eastern site boundary, which is proposed to be retained, is neither structurally suitable to act as a retaining wall nor high enough to act as a secure boundary to an apartment development.
- Concerns that the development would not be completed in the event of an economic crisis, as happened previously in Sandyford.
- The developer of the adjoining site to the north requests a further set back to the northern site boundary.

7.2. Submission of Kalidone Developments Ltd.

7.2.1. There is a submission on file from the developer of the adjoining site to the north, as permitted under PL06D.244843, now known as Cul Cuille. The following points of same are noted:

- Requests a further set back and set down from the northern site boundary.
- The development will entail the extraction of substantial volumes of rock. This will require competent supervision and a comprehensive management plan to ensure that there will be limited public hazard and distress and to prevent structural damage to adjoining or nearby properties.
- There are numerous mature evergreen trees at the northern site boundary, which are close to or oversail the correct line of the boundary. The observer constructed a concrete post and timber fence within their property to prevent any damage to the root system of the trees. These trees are of no ecological value and should be removed as they occasionally drop limbs and could potentially cause harm and damage. A masonry wall can then be constructed at the correct boundary line.
- Requests that the Part V element be distributed throughout the development.

7.3. Submission of Cul Cuille Management CLG

7.3.1. There is a submission on file by the management company of the Cul Cuille development. The following points of same are noted:

- Concerns about the lack of maintenance of the tree line along the shared site boundary. This matter has been raised with the applicant but no formal response was received.
- The boundary is currently defined by mature evergreen trees. The developer of Cul Cuille has constructed a concrete post and timber fence within the Cul Cuille site, however this is not to be taken as the defined boundary between the properties. It was not possible to construct a boundary wall/fence on the correct and agreed boundary due to the trees which have overgrown from Glenina into Cul Cuille.

- The trees within the development site have not been maintained over the past decade and require attention to avoid any damage or injury to third parties, as several limbs have fallen off in the recent past. The developers had asked for permission from the previous owners to carry out some remedial works to them by a qualified tree surgeon but were refused permission.
- The management company request that a condition be imposed to remove the trees, construct a durable boundary wall on the boundary and make good the surrounding ground and to provide some mature native species of trees to screen the proposed development from the Cul Cuille development.

7.4. Submission of John Conway and the Louth Environmental Group

7.4.1. The following points are noted:

- The Board cannot justify granting the proposed development by reference to the Building Height Guidelines and the Apartment Guidelines as these guidelines and the SPPRs therein are ultra vires and not authorised by section 28(1C) of the Planning and Development Act 2000 (as amended). In the alternative, insofar as section 28(1C) purports to authorise these guidelines, including the SPPRs, such provision is unconstitutional/repugnant to the Constitution. The said guidelines are also contrary to the SEA Directive, insofar as they purport to authorise contravention of the development plan, without an SEA being conducted, or screening for SEA being conducted, on the variations being brought about to the development plan as a result of same.
- The development materially contravenes the development plan and the county Building Height Strategy in relation to building height. The development cannot be justified by reference to the Building Height Guidelines and the SPPRs therein. It also does not comply with the Building Height Guidelines including the SPPRs and the criteria and specific assessments identified therein, including in relation impact on birds/ bats. The Board cannot grant permission in circumstances where the relevant criterion under the Building Height Guidelines, which are mandatory in nature, cannot be satisfied.
- The development materially contravenes the development plan in respect of various parameters. The material contravention cannot be justified by reference

to section 37(2) of the Act and cannot be justified by reference to the Apartment Guidelines.

- Section 37(2)(b) of the Act does not apply to the development as it is not of strategic or national importance. Purported reliance on the definition of Strategic Housing Development under the 2016 Act as a basis for asserting that the development is of strategic or national importance is erroneous.
- The application and documentation submitted do not comply with the requirements of the 2016 Act and associated regulations in relation to the requirements for detailed plans and particulars including in relation to the basement level of the development.
- The application documentation has not demonstrated that there is sufficient infrastructure capacity to support the development, including by reference to public transport, drainage, water services and flood risk. The development would be premature due to existing deficiencies in the wastewater sewerage network.
- The Board should refuse to consider and cannot grant permission for the development in circumstances where there may be a likely significant impact from a reduction in daylight and sunlight reaching neighbouring properties.
- The development does not provide an adequate level of residential amenity for future occupants.
- Refers to deficiencies in the Environmental Impact Assessment Report (EIAR), however no such report has been submitted.
- The Board lacks ecological and scientific expertise and / or does not appear to have access to such expertise in order to examine the EIA Screening Report as required under article 5(3)(b) of the EIA Directive.
- The information on AA Screening submitted by the applicant is insufficient, contains lacunae and is not based on appropriate scientific expertise and as such the Board cannot comply with the requirements of the Habitats Directive and relevant provisions under the 2000 Act, including in relation to the following matters, inter alia:

- Insufficient surveys carried out to assess potential impacts arising from bird collision / flight risks insofar as the development may impact bird flight paths.
- The zone of influence referred to in the AA Screening Report is not reasoned or explained. It is unclear how such a zone was determined – the criteria for determining a zone of influence have no basis in law;
- The AA screening fails to identify and consider all potential impacts on protected bird species including in relation to collision flight risk;
- No regard / inadequate regard given to cumulative effects of the development in combination with other developments in the vicinity;
- AA Screening Report impermissibly has regard to ‘mitigation measures’;
- Insufficient site-specific surveys, absence of on-site specific evidence;
- Inadequate reasons provided in the screening assessment by reference to the appropriate legal standard;
- Reference to and reliance on Ringsend WWTP is misconceived.

8.0 Planning Authority Submission

8.1. Dun Laoghaire Rathdown County Council (DLRCC) has made a submission in accordance with the requirements of section 8(5)(a) of the Act of 2016. It summarises observer comments as per section 8(5)(a)(i) and the views of the elected members at the Dundrum Area Committee Meeting of 23rd May 2022. The planning and technical analysis in accordance with the requirements of section 8(5)(a)(ii) and 8(5)(b)(i) may be summarised as follows.

8.2. Views of Elected Members

8.2.1. The views of the Elected Members, as expressed at the Dundrum Area Committee Meeting of 23rd May 2022, may be summarised as follows:

- The development is excessive in terms of height and density and is out of character with the area. Lack of justification for the use of upward modifiers for the proposed height. Blocks will exceed the height of existing trees and will block

views of the mountains. The height should not exceed three storeys. Overbearing impact on existing residential areas.

- The applicant should be asked to justify why larger, more flexible homes are not provided as part of the development.
- A review of the quantum of dual aspect units should be carried out.
- Lack of school places, childcare facilities and GP facilities in the area, negative impact on existing services in the area. The accuracy of the Childcare Demand Assessment is questioned, development should be refused on the basis of a lack of childcare facilities. Section 48(2)(c) contributions should be sought to assist in the provision of facilities for children and teenagers in adjoining residential areas.
- Part V costs are excessive.
- Insufficient public transport in the area, Luas is at capacity.
- The vehicular access and pedestrian link to Coolkill are supported.
- Lack of open space. Section 48(2)(c) contributions apply better to brownfield sites and should not apply in this case.
- Concerns about removal of trees from the site, trees should be retained where possible.
- Concerns regarding rock breaking during construction and related impacts.
- General issues raised including concerns about SHD system, lack of public consultation, cumulative impacts of multiple residential developments in the area, ringfencing of section 48(2)(c) development contributions.

8.3. DLRCC Planning and Technical Analysis

- 8.3.1. The DLRCC planning and technical analysis comprises the planning report dated 22nd June 2022; report of DLR Municipal Services Drainage Planning dated 31st May 2022; comment of DLRCC Housing Department dated 24th May 2022; DLRCC Transport Planning report dated 13th June 2022; DLRCC Parks report dated 15th June 2022; comment of DLRCC Environmental Enforcement dated 14th June 2022; DLRCC Environmental Health Officer report dated 14th June 2022; Report of DLRCC Ecologist dated 31st May 2022, which are all noted and incorporated into the following summary.

8.3.2. DLRCC Comment on Residential Density

- Notes development plan policies regarding the retention of existing houses and retrofitting and reuse of existing buildings rather than demolition, including policy objectives HER20 Buildings of Vernacular and Heritage Interest and HER21 Nineteenth and Twentieth Century Buildings, Estates and Features. It is noted that the buildings proposed for demolition are not designated protected structures, nor are they located within an ACA or candidate ACA. The buildings are not considered to have any notable vernacular or heritage interest features. Considers that the demolition would lead to a much more sustainable use of the lands and is acceptable in principle.
- Considers that the L shape of Blocks B and C has potentially negative impacts on the development as a whole, notes that adequate separation distances are not achieved. Also concerns about proximity of blocks to the boundary with Cul Cuille, noting development plan policy objective PHP20: Protection of Existing Residential Amenity.
- Considers that the development, as proposed, constitutes overdevelopment of the site with excessive residential density given the site's location and relatively poor access to high quality public transport services.
- Recommends amendments to the development as outlined below. As such, the revised proposal would provide 109 no. units (17 no. 1-bed, 73 no. 2-bed and 19 no. 3-bed). While it is noted that these amendments would result in the total no. of three bed units being below the requirements set out in development plan Table 12.2, it is recommended that a condition be imposed to require a revised unit mix layout prior to the commencement of development.
- These revisions would result in an estimated residential density of c. 131 units/ha, which is still high in comparison with the prevailing character of the area but is more appropriate to fulfil national planning policy objectives, noting development plan policy objective PHP18: Residential Density.

8.3.3. DLRCC Comment on Quality of Residential Development

- The proposed housing mix meets development plan standards and is acceptable.

- The Housing Quality Assessment indicates that the development meets the standards of the Apartment Guidelines and development plan with regard to apartment floor areas, floor to ceiling heights, units per core, internal storage, private open space .
- The dual aspect units identified generally comply with development plan requirements. There are instances where the applicant has identified north facing units as dual aspect where a small corner window of one of the bedrooms is used to meet the definition of dual aspect. Concerns about the quality of the units where the LKD room is not dual aspect. However, the PA is reasonably satisfied overall that the development achieves 50% dual aspect units in accordance with development plan requirements and noting that development plan section 12.3.2.1 classifies the entirety of the county as 'Suburban or Intermediate' for the purposes of considering policy on dual aspect.
- The applicant's Daylight and Sunlight Assessment indicates three no. non-compliant LKDs. However, the Assessment demonstrates that the development largely complies with BRE Daylight and Sunlight Guidelines.
- The recommended amendments will improve the quality of communal open space and the amount of light to same. The scheme is generally considered to provide an acceptable level of amenity for future residents subject to the recommended amendments.
- The development does not provide public open space, however the applicant proposes to provide a section 48 development contribution in lieu, as provided for under development plan policy. DLRCC Parks Department requests a development contribution under section 48(2)(c) of €2,000 per dwelling, towards funding public open space at nearby Fitzsimons Wood to include upgrading of pavement and boundary access, woodland restoration and perennial planting.
- The quantum and location of the communal open space areas are generally acceptable, subject to some improvements recommended by DLRCC Parks Department.
- The size and layout of the proposed internal communal facilities are unusual and not consistent with the layouts of such facilities in other schemes, being

fragmented across the blocks and taking up six units at ground floor level that are apartments at upper floors. In conjunction with shortfalls in storage, creche and ground level parking, it is considered that a condition should be attached requiring the repurposing of at least half of these units.

8.3.4. DLRCC Comment on Building Height and Impacts on Visual and Residential Amenities

- The proposed materials and finishes are considered acceptable and the design will make a positive contribution to the character of the neighbourhood. The development does not appear overbearing, unduly dominant or monolithic. The proposed six storey blocks facing Sandyford Road will give the road a sense of enclosure. The development will result in an improvement on the existing urban context at Sandyford Road, which has particularly limited urban design context at this location. The planning authority is also satisfied that the development will not be visually obtrusive in the wider context.
- The planning authority is satisfied that the development is largely compliant with the Urban Design Manual and makes a positive contribution to the locality and streetscape overall.
- Notes development plan section 12.3.7.7 policy on infill development, the area is mixed in character noting recent residential developments and the 6 Year Road Objectives/Traffic Management/Active Travel Upgrades between Coolkill and Aikens Village and the ongoing works in the Blackglen Road/Harond's Grange Road Improvement Scheme. Also having regard to the size of the site, the planning authority is satisfied that it is capable of absorbing a higher density and height than neighbouring 1-2 storey development.
- Refers to development plan Building Height Strategy Objective BHS3, which promotes a height of 3-4 storeys in residential suburban areas, also provides detailed assessment with regard to the criteria for building height set out in Table 5.1 of the Building Height Strategy. The planning authority is generally satisfied that a 1-6 storey development with set-backs from the existing residential developments to the east can be successfully absorbed at this location.
- The development will not result in undue overlooking or overshadowing of adjoining properties if the recommended amendments are carried out. Impacts on

residential amenities are considered acceptable subject to these requirements. Otherwise, the planning authority would have concerns regarding the residential amenity of the proposed apartments, impacts on adjacent residential amenities and about the quality of open space provided.

- Given the orientation of the site and adjoining residential developments, the distance between Blocks B, C and D and the existing residential developments to the east, the set-back design of those blocks, and the number and position of windows and private amenity spaces, the proposed impact of Blocks B, C and D on the adjoining neighbouring properties to the east is considered acceptable.

8.3.5. DRLCC Comment on Traffic and Transportation Issues

- The pedestrian connection to Cul Cuille is welcomed, this will improve connections to Sandyford village.
- The applicant's documentation indicates that the site's frontage to Sandyford Road will be located within lands to be permanently acquired by CPO, this may be addressed by condition.
- The proposed car parking provision represents a shortfall with regard to the development plan car parking requirements for Parking Zone 3 and is therefore not acceptable. However, the provision would be adequate for the reduced development as a result of the recommended amendments.
- While the overall quantum of cycle parking is acceptable, there are concerns regarding its design and location, as set out in the report of DLRCC Transportation Planning. These matters may be resolved by condition.

8.3.6. DLRCC Comment on Other Matters

- Notes that the development will necessitate a considerable amount of tree removal, however this will be replaced by extensive new landscaping.
- The report of DLRCC Drainage Planning states no objection subject to conditions.
- Report of DLRCC Housing Department. The submitted Part V costs are deemed excessive. The on-site proposal is capable of complying with Part V requirements

and an alternative proposal may be agreed by condition. A condition is also recommended on foot of Circular NRUP 03/2021.

- No childcare facility is proposed. The submitted Childcare Demand Assessment is noted, however there are concerns regarding the lack of proximity of the development to the identified facilities with available spaces. It is considered that there is a need for a creche facility on site and a condition to this effect is recommended.
- Report of DRLCC Environmental Enforcement recommends the submission of a noise management plan as a condition of permission due to concerns about noise impacts associated with rock excavation at the development.
- Report of DLRCC Ecologist recommends a further information request, which is not possible under the SHD process. Relevant conditions are recommended.

8.4. DLRCC Conclusion and Recommendation

8.4.1. The conclusion of the DLRCC planning report states that the planning authority would recommend a refusal of the development as currently proposed, based on overdevelopment of the site. However, it is considered that a development of reduced scale would still permit a high density scheme that successfully addresses the concerns of the planning authority regarding, inter alia, residential density, separation distances, car parking standards and scale and massing. Permission is therefore recommended subject to conditions, including those which require the following amendments:

- The part three storey/part four storey element of Block A shall be removed.
- Blocks B and C shall be amended to be rectangular in shape, rather than 'L' shaped. For clarity, the following units shall be removed from the proposed development as a result of the aforementioned alterations (28 no. units specified).
- The floorplates of the remaining buildings shall be amended in light of the aforementioned alterations in order to achieve the unit mix requirements and dual aspect requirements as set out in the County Development Plan 2022-2028.
- The southernmost communal facility in Block C shall be laid out as an apartment, as per the floor above.

- Unit C0-03 shall be amalgamated with the communal facility to its northeast and laid out and constructed as a creche.
- The ground floor, basement and landscaping layout shall be redesigned such as there is:
 - No more than 150 m² of indoor communal facilities
 - Cycle parking accessible at ground level (within building footprint or in covered locations) amounting to not less than 33% of the overall cycle parking within the scheme
 - External storage at ground and/or basement level at a rate of not less than 2 sq.m. per unit.
- The remaining conditions recommended do not involve any other significant amendments to the development.

9.0 Prescribed Bodies

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

- Irish Water
- Transport Infrastructure Ireland (TII)
- National Transport Authority
- Dun Laoghaire Rathdown County Childcare Committee

The responses received from TII, An Taisce and Irish Water may be summarised as follows.

9.2. Transport Infrastructure Ireland

9.2.1. The submission of TII, dated 9th May 2022, notes that the development falls within the area of the Section 49 Supplementary Development Contribution Scheme - Extension of LUAS Line B1 - Sandyford to Cherrywood under the Planning and Development Act 2000, as amended. A related condition is recommended.

9.3. An Taisce

9.3.1. The following points are noted from the submission of An Taisce, dated 1st June 2022:

- Recognise that this area is zoned for residential development and that demolition of the existing dwellings would be justified in order to provide a greater number of housing units on the site.
- Notes the adjoining proposed development at ‘The Pastures’, ref. D21A/0595 ABP-312990-22, which proposed a five storey apartment block. The Board is urged to consider the applications together and to take note of how the combined developments would completely change the nature of this stretch of Sandyford Road and its relationship with the established residential area between Sandyford Road and Sandyford village. The Board is also requested to consider the combined impacts of the various proposed developments in the area, taking account of the limited transport infrastructure and having regard to the principles of Smarter Travel – A Sustainable Transport Future and the new National Sustainable Mobility Policy.
- The scale of the development at up to six storeys is too great for this outer suburban area at the foothills of the Dublin Mountains. The development will be dominant and visually obtrusive. Permitting a six storey development on this contour could impact on the longstanding policy to protect the views of the Dublin Mountains from the city/built up area. The proposed six storey frontage to Sandyford Road has insufficient interruptions/setbacks between the blocks to overcome the visual impact of a “wall”, as seen in the photomontages. This form of urban frontage would be out of place on the outer suburban road. The six storey blocks would also have an overbearing impact on the residential amenities of the two storey houses to the east of the site.
- The site is not in an area well served by public transport, noting the submitted Transportation Assessment/Luas Capacity Assessment Report, also potential capacity problems on the Luas Green Line due to numerous SHD permissions.
- Development plan Policy Objective BHS 1 is subject to the qualification that proposals ensure a balance between the reasonable protection of existing amenities and environmental sensitivities, protection of residential amenity and

the established character of the area. An Taisce considers that the area is within Policy Objective BHS 3 Building Height in Residual Suburban Areas, where it is a policy objective to promote general building height of 3-4 storeys. The proposed apartment blocks would be two storeys above this objective. An Taisce considers that the development does not meet the Table 5.1 criteria as the site is not well served by public transport and the development would not integrate into or enhance the character of the area. The development does not respond to its overall natural and built environment and does not make a positive contribution to the urban neighbourhood and streetscape and also fails to meet several other criteria. Overall, the development would not give sufficient weight to protection of residential amenity and the established character of the area.

- Notes the ABP refusal of permission at Lamb's Cross/Croham Hurst, ref. ABP-309965-21. It is submitted that similar issues apply at the proposed development. Also notes other developments in the area, as referred to in the applicant's Planning Report, however each case is considered on its merits.
- The proposed density would represent over-development of the site. Both development plan Policy Objective Policy PHP18 and the Sustainable Residential Development in Urban Areas Guidelines indicate a minimum density of 50 units/ha. The site is more than 1 km from the nearest Luas station and there is now no proposal for a bus priority route on Sandyford Road at this location.
- The development will be car dependent due to lack of access to high quality public transport. The Transportation Assessment should take account of other large developments permitted in the area including D21A/0595 The Pastures and ABP-302954-18 Whinsfield, as well as pre-application consultations. The Sandyford Road 6 Year Roads Objective, the Blackglen Road Improvement Scheme is under construction. The scheme will add cycle lanes and footpaths but will not significantly change the single carriageway structure. The improved roads will not easily or safely serve these big, car-dependent housing developments. All proposed developments should be considered together under the principles of Smarter Travel – A Sustainable Transport Future and the new National Sustainable Mobility Policy.

9.4. Irish Water

9.4.1. The submission of Irish Water, dated 13th May 2022, notes the following:

- There are significant wastewater network constraints in this catchment. To address these constraints and support development and growth in the area Irish Water has a project on its Capital Investment Plan which is currently due to be delivered in Q2 2026 (subject to change). This project will provide a strategic solution to the overall capacity constraints in the area. Where a connection is proposed in advance of the delivery of the strategic solution in this area, Irish Water will consider an alternative connection and discharge route. The applicant has been advised of an alternative route, to facilitate a wastewater connection(s) via the Kilcross estate. In order to complete this alternate proposal, the wastewater network would have to be extended by approx. 80m. The applicant will be required to fund any works and/or upgrades associated with this extension and connection route as Irish Water currently does not have plans to extend the network in this area. It is expected that these works will be in the public domain.
- In order to complete the proposed water connection at the development, the water network will have to be extended by approximately 80m. Irish Water currently does not have any plans to extend its network in this area. Should the applicant wish to extend the water infrastructure to a point to connect to the Irish Water network they will be required to fund this as part of a connection application.
- Conditions are recommended.

10.0 Assessment

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

- Principle of Development
- Residential Density
- Building Height
- Housing Mix, Tenure and Part V
- Design and Layout, Quality of Residential Development

- Impacts on Visual and Residential Amenities
- Social Infrastructure and Childcare Provision
- Movement and Transport
- Drainage, Flooding and Site Services
- Tree Removal and Ecology
- Proposed Telecommunications Structure
- Material Contravention
- DLRCC Chief Executive's Report and Recommended Amendments

These issues may be considered separately as follows.

10.1.1. The applicant has submitted a Material Contravention Statement in relation to the matters of building height, car parking, public open space, daylight and sunlight, separation distances, external storage and 5% variation to apartment room sizes/widths, with regard to policies and objectives of the Dun Laoghaire Rathdown County Development Plan 2022-2028. The relevant technical matters and related development plan policies and objectives are addressed in each section, with the details of Material Contravention dealt with separately below.

10.2. Principle of Development

10.2.1. The development site is zoned 'Objective A' under the development plan, with the objective 'To provide residential development and improve residential amenity while protecting the existing residential amenities'. Residential development is permitted in principle under this zoning objective. The development is considered to be acceptable in principle on this basis.

10.2.2. Development plan Policy Objective CA6: Retrofit and Reuse of Buildings requires the retrofitting and reuse of existing buildings rather than their demolition and reconstruction where possible. Development plan section 12.3.9 Demolition and Replacement Dwellings states a preference for the deep retro-fit of structurally sound, habitable dwellings in good condition as opposed to demolition and replacement unless a strong justification in respect of the latter has been put forward by the applicant. Demolition of an existing house in single occupancy and replacement with multiple new build units will not be considered on the grounds of

replacement numbers only but will be weighed against other factors. The applicant has submitted a rationale for the proposed demolition with regard to the provision of compact residential development in line with national planning policy. Given that the existing buildings on site are not protected structures and are not of any particular heritage interest or subject to any other heritage designation and with regard to the overall need to consolidate zoned and serviced urban areas and to deliver residential development in accordance with national planning policy, the proposed demolition is considered acceptable in principle. I note also that the planning authority states no objection to the proposed demolition.

10.3. Residential Density

- 10.3.1. Third parties and An Taisce comment that the development is excessive in density and out of keeping with the established character of the area and that it will result in overdevelopment of the site, to the detriment of local amenities.
- 10.3.2. The development has a stated net residential density of 165 units/ha, based on a 'net developable area' of 0.289ha, which excludes areas within the red line site boundary that are to be used to facilitate a pedestrian connection, entrance works, water services and road works. I am satisfied that this estimation of residential density is generally in accordance with the guidance provided in Appendix A of the Sustainable Residential Development in Urban Areas Guidelines, notwithstanding issues raised by third parties in relation to the accuracy of the stated density. Section 5.8 of the Sustainable Residential Development in Urban Areas Guidelines recommends minimum net densities of 50 units/ha within 500m of public transport corridors, subject to appropriate design and amenity standards. Public transport corridors are defined as within 500m walking distance of a bus stop, or within 1 km of a light rail stop or rail station, with the capacity of public transport services to also be taken into consideration. Section 5.9 of the Guidelines refers to infill residential development and states that in established residential areas, a balance must be struck between the reasonable protection of the amenities and privacy of adjoining dwellings, the protection of established character and the need to provide residential infill. Section 5.11 of the Guidelines generally recommends net residential densities of 35-50 units/ha at outer suburban/greenfield sites, defined as open lands on the periphery of cities or larger towns whose development will require the provision of

new infrastructure, roads, sewers and ancillary social and commercial facilities, schools, shops, employment and community facilities.

10.3.3. The applicant submits that the development site has an 'intermediate' location with regard to the Apartment Guidelines, with regard to proximity to the M50, a distance of c. 1.5 km to the Beacon Hospital, 2.5 km to Dundrum Town Centre and a distance of c. 2 km to the nearest Luas stop at Glencairn. The Apartment Guidelines state that such locations are suitable for smaller scale, higher density developments broadly >45 units/ha with no maximum density set. This classification is contested by third parties, who submit that the site has a 'peripheral and/or less accessible' urban location due to limited public transport services in the area. Having inspected the site and with regard to my knowledge of the area, I note the following:

- The site is c. 2 km from a major employment centre at Sandyford business district, estimated as c. 20 minute walk or seven minute cycle in the submitted Transportation Assessment. There is a cycle lane adjacent to the site that links the area to Sandyford, albeit indirectly.
- Sandyford Road is currently served by several bus routes, with a stop adjacent to the development site, also further stops nearby at Sandyford village. The submitted Bus/Luas Capacity Assessment Report details existing bus services, such that the combined services provide a maximum frequency of 20-30 minutes to and from the city centre during peak hours and these services have available capacity to cater for demand likely to be generated by the development.
- The nearest Luas stop at Glencairn is c. 2 km from the site, estimated as 9 minutes cycle time.

The Apartment Guidelines define intermediate urban locations as within reasonable walking distance (up to 10 minutes or 800-1,000m) of principal town or suburban centres or employment locations; within walking distance (10-15 minutes or 1,000-1,500m) of high capacity urban public transport stops or within reasonable walking distance (5-10 minutes or up to 1,000m) of high frequency (i.e. min 10 minute peak hour frequency) urban bus services or within easy walking distance (i.e. up to 5 minutes or 400-500m) of reasonably frequent (min 15 minute peak hour frequency) urban bus services. Peripheral/less accessible locations are defined as sites in suburban development areas that do not meet proximity or accessibility criteria. The

Guidelines add that the stated range of locations is not exhaustive and will require local assessment that further considers these and other relevant planning factors. While the development site does not exactly meet the parameters for an intermediate urban area, I consider that it is generally within such an area given (i) its proximity to a major employment centre at Sandyford and (ii) its location adjacent to a bus stop served by several bus routes and noting that the Apartment Guidelines state that the range of locations outlined is not exhaustive and will require local assessment that further considers other relevant planning factors. The discussion of transportation issues below details existing public transport provision in the area and examines the applicant's Bus/Luas Capacity Assessment Report, which demonstrates that existing public transport services in the area have capacity to cater for demand likely to be generated by the development.

10.3.4. Development plan objective PHP18 Residential Density is to promote compact urban growth in line with national planning policy and to encourage higher residential densities subject to qualitative criteria. Development plan section 12.3.3.2 refers to the Sustainable Residential Development in Urban Areas Guidelines and to the Apartment Guidelines in relation to residential density. The CE Report acknowledges that the immediate context of the development site is typically characterised by traditional low-rise housing on large plots but also notes that it is relatively close to shops and services at Lamb's Cross and Sandyford village. The report concludes that the proposed density of c. 165 units/ha represents an excessive quantum given the site's location and the relatively poor access to high quality public transport at present. It recommends alterations to the development (considered in detail below), which would reduce the total number of units to 109, with a consequent reduction in density to c. 131 units/ha which is acceptable in principle to the planning authority and is considered more appropriate to this location.

10.3.5. Third parties and An Taisce comment that a nearby SHD at Lamb's Cross ref. ABP-309965-20, which had a similar residential density, was refused permission. The Inspector's report of ABP-309965-20 states that that development had a stated density of 145 units/ha. The relevant Board Order for that case indicates that permission was refused for site/design specific reasons rather than residential density and the Inspector's Report on file states no objection to the proposed residential density in that instance. I note the permitted development at Whinsfield,

currently under construction across the road from the development site, ref. ABP-302954-18, which has a stated density of 60 units/ha.

- 10.3.6. Third parties refer to Circular Letter NRUP 02/2021 and guidance therein on residential density. Circular NRUP 02/21 states an intent to issue updated Section 28 guidelines that will address sustainable residential development in urban areas. Such updated guidance remains outstanding. The Circular is generally aimed towards addressing residential density anomalies in the context of development at the edge of larger towns and within smaller towns and villages, rather than within the Dublin Metropolitan Area.
- 10.3.7. I acknowledge that the proposed quantum of development is significantly higher than existing and approved developments in the vicinity. However, it is my view that the proposed scheme, which is located on zoned and serviced lands in an urban area, should be viewed in the changing context of the wider environs which include high density developments at various locations in the south western fringe of Dublin. I also consider that the proposed quantum of development is in accordance with national policy to increase residential densities to support the consolidation of the urban environment. Notwithstanding this, having regard to the transitional nature of this site, I have some concerns regarding the overall height of the scheme, which are discussed below. In light of these concerns, I recommend that the development be revised by condition such that a total of eight no. units are omitted, to result in a total of 129 no. units at the overall development and a consequent reduction in residential density to 156 units/ha.

10.4. **Building Height**

- 10.4.1. Third parties and An Taisce comment that the development is excessive in height and contravenes the development plan Building Height Strategy. The development has a height of up to six storeys, with the taller elements facing Sandyford Road, decreasing to 3-4 storey elements at the rear of the site, facing Coolkill to the east and a four storey element at the northern side of Block A facing Cul Cuille.
- 10.4.2. Development plan Appendix 5 sets out the Building Height Strategy with regard to the section 28 Building Height Guidelines including SPPR 3 and the performance related development management criteria set out in section 3.2 of same. The development site is not located in an area identified for increased building height or

subject to a Local Area Plan or Urban Framework Plan. Policy Objective BHS3 Building Height in Residual Suburban Areas promotes a general building height of 3-4 storeys at such locations subject to protection of existing amenities. Table 5.1 of the Building Height Strategy sets out criteria for considering building heights in excess of these parameters, which are based on the development management criteria of the Building Height Guidelines. The stated criteria are generalised expressions of good practice in urban design. Given that the development plan provides criteria for the consideration of additional building height at residual suburban locations, I do not consider that the development materially contravenes the development plan in respect of building height, notwithstanding that the applicant's Material Contravention Statement addresses the matter of building height.

10.4.3. I note that the CE Report states that the planning authority is satisfied that the development site is capable of absorbing a higher density and height than the neighbouring 1-2 storeys and provides a detailed analysis of the development against the Table 5.1 criteria. It concludes that a 1-6 storey development with setbacks from the existing residential developments to the east can be successfully absorbed at this location and states that the proposed building height is considered to be acceptable in principle as it meets the Table 5.1 criteria, notwithstanding concerns stated elsewhere in the report about the density, design and layout of the scheme. With regard to the detailed assessment in the remainder of this report, I consider that, subject to the recommended amendments, the development would comply with many of the criteria identified in Table 5.1 including an accessible location; improved frontage to Sandyford Road; satisfactory contribution to the public realm; lack of adverse visual impacts in the wider area; improved permeability with a new pedestrian connection; development is not monolithic and includes high quality, well considered materials; contribution to a more varied housing mix in the wider area; provision of satisfactory high quality communal areas with a variety of uses; 97% compliance with BRE ADF targets; adequate dual aspect provision; development avoids significant adverse impact on adjacent residential amenities by way of overlooking or overshadowing; no adverse impacts on heritage/protected structures/ ACA/designated views or prospects; satisfactory microclimate assessment; satisfactory assessment of telecommunications impacts; satisfactory

surface water management and site services and satisfactory flood risk assessment. The recommendations discussed below include the omission of the 6th floor of Blocks C and D, such that the overall height of the development is reduced to a maximum of five storeys. This is in keeping with developments in the immediate vicinity of the site at Whinsfield and as permitted by DLRCC at The Pastures (currently under appeal) and will avoid potential overbearing impacts at residential properties to the east of the site.

10.5. **Housing Mix, Tenure and Part V**

10.5.1. Housing Mix

10.5.2. The development comprises 23% one-bed units, 57% two-bed units and 20% three-bed units. This is in accordance with SPPR 1 of the Apartment Guidelines. I am also satisfied that the proposed housing mix is generally in accordance with Development plan Policy Objective PHP27, which is to encourage the establishment of sustainable residential communities by ensuring that a wide variety of housing and apartment types, sizes and tenures is provided throughout the county. Further to Objective PHP27, development plan Table 12.1 specifies detailed housing mix requirements based on the county Housing Need and Demand Assessment as per SPPR 1. It states that apartment developments in the existing built up area may include up to 80% studio, one and two-bed units with no more than 30% of the overall development as a combination of one bed and studios and no more than 20% of the overall development as studios. Table 12.1 also states a minimum requirement of 20% three-bed + units. The proposed development comprises 23% one-bed units, 80% one and two-bed units and 20% three-bed units and therefore complies with this standard. The applicant has submitted a rationale for the proposed housing mix with regard to the area within 10 minutes walk of the development site, as specified in development plan section 12.3.3.1, which indicates that the area is largely occupied by low density housing. While I note third party comments about a lack of family accommodation in the development, I consider that the development will enhance the overall housing mix of the wider area, which is generally characterised by large houses and low density development.

10.5.3. The CE Report recommends amendments to the development which would alter the housing mix to 17 no. one-bed units (16%), 73 no. two-bed units (67%) and 19 no.

three-bed units (17%). The planning authority also recommends a condition that the development be revised to conform with development plan policy on housing mix. The amendments that I recommend below would result in a revised housing mix of 31 no. one-bed units (24%), 77 no. two-bed units (60%) i.e. a combined 84% one and two-bed units, and 21 no. three-bed units (16%). This would not comply with the development plan housing mix standards for the existing built up area as per Table 12.1. However, development plan section 12.3.3.1 states that housing mix shall generally be in accordance with Table 12.1 (my emphasis) and I therefore do not consider that the recommended amendments would result in a development that materially contravenes the development plan in this respect. It is, however also open to the Board to impose a condition requiring that the development be revised to conform with the specifications of Table 12.1 if considered appropriate to do so. In addition, as stated above, I am satisfied overall that the development will enhance the overall housing mix of the wider area.

10.5.4. Housing Tenure and Part V

Third parties state concerns that the development will be occupied by transient tenants rather than owner-occupiers. The applicant is not submitting the proposed development as a BTR scheme as defined in section 5 of the 2020 Apartment Guidelines, notwithstanding that it includes some communal amenities and that the application includes a Property Management Strategy. The development is to comply with the general standards for residential accommodation as set out in the Apartment Guidelines and is assessed against same below. The occupancy of the development once completed is outside the scope of this assessment.

The applicant proposes to transfer 13 no. units on site to meet Part V obligations, comprising five no. one-bed units, five no. two-bed units and three no. three-bed units. The proposed Part V units are all located in Block A. A site layout plan indicating the Part V units is submitted, along with indicative costings. The CE Report includes comment from DLRCC Housing Department, which states that the indicative costs are deemed excessive and cannot be considered acceptable levels in the context of social housing provision and would not constitute the best use of resources available to the Council. The applicant is therefore requested to submit an alternative Part V proposal with revised indicative costs. I note the recent Housing for All Plan and the associated Affordable Housing Act 2021, which requires a

contribution of 20% of land that is subject to planning permission to the planning authority for the provision of affordable housing. There are various parameters within which this requirement operates, including dispensations depending upon when the land was purchased by the developer. In the event that the Board elects to grant permission, a condition can be included with respect to Part V units and will ensure that the most up to date legislative requirements will be fulfilled by the development. I note third party comments that the Part V provision should be distributed throughout the development rather than concentrated in one location. The planning authority has not stated any objection to the location of the proposed Part V units and there may be operational or other reasons for the specific locations of the proposed units. The final location of the Part V units may be agreed by condition to the satisfaction of DLRCC if permission is granted for the development.

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

10.6.1. Proposed Design and Layout

The development is laid out in four Blocks A, B, C and D with front elevations close to the road frontage. There is one vehicular/pedestrian/cycle access at the northern end of the site, to the south of Block A, which leads to a ramp to the basement/undercroft car park, with additional pedestrian accesses to Sandyford Road. The layout also provides a new pedestrian link between Sandyford Road and Cul Cuille at the northern site boundary. The levels on site accommodate a c. 6 m rise from north to south, such that there is a part undercroft/part basement car park under Blocks B, C and D. Surface car parking is provided at a set down area with four no. car parking spaces adjacent to Block A.

Block A at the northern end of the site, close to the boundary with the recently constructed Cul Cuille development, is 4-5 storey, with a three storey element at the façade closest to the adjacent three storey block in Cul Cuille. Blocks B, C and D present 5-6 storey elevations at the frontage to Sandyford Road, with 3-4 storey elevations facing the residential properties in Coolkill to the rear/east. Block D has a four storey element at the southern façade facing The Pastures to the immediate south, where two no. 3-5 storey blocks are permitted (currently under appeal). Blocks B, C and D all have L shaped layouts which provide communal open spaces to the rear and between the blocks. There is no public open space provision,

however the layout does provide a landscaped buffer at the Sandyford Road frontage. The landscaping proposals indicate that the communal open spaces within the development are laid out serve a variety of purposes including kick about areas between the blocks and a toddler play area at the southeastern corner of the site.

The Architectural Design Statement provides details of proposed elevational treatments, materiality and finishes. The blocks are to be finished in contrasting red and cream brick and render finishes to provide varied facades to Sandyford Road, with dark grey windows and recessed balconies with steel balustrades. Materiality to the side and rear/eastern elevations will match that of the front elevations. Given that the blocks incorporate various elements and have stepped facades, I am satisfied that the development is not monolithic in appearance and also that the proposed materials are of high quality, which will enhance the overall appearance of the scheme.

10.6.2. Public Open Space Provision and Integration With the Public Realm

The development has a stated site coverage of 33% of the 'developable area'. A stated area of 16% of the total site area is provided as communal open space to serve residents of the development. There is no public open space provision and none of the communal areas are to be taken in charge. This matter has been raised in many third party submissions, which object on the basis that the development does not make any quantitative contribution to public open space in the area.

Development plan policy objective OSR4 Public Open Space Standards is to promote public open space standards "generally in accordance with" the Sustainable Residential Development in Urban Areas Guidelines, the Urban Design Manual and the Apartment Guidelines. Section 4.20 of the Sustainable Residential Development Guidelines advises a provision of 15% of the total site area as public open space for greenfield sites and 10% of the total site area for large infill sites. The Apartment Guidelines refer to communal and private amenity space for residents of apartment developments but do not contain specific standards for public open space provision. Development plan section 12.8.3 and Table 12.8 state a public open space requirement for 15% of the site area for both the existing built up area and for new residential communities. Section 12.8.3 acknowledges that it may not be possible to achieve these standards in certain instances, such as at high density urban schemes

and/or smaller urban infill schemes. The Council is to seek a section 48 development contribution in lieu of open space provision in such instances, to be used for the provision of improved community and civic infrastructure and/or parks and open spaces, in the vicinity of the proposed development for use of the intended occupiers of same.

The applicant's Material Contravention Statement addresses the issue of public open space provision. However, given that the development plan provides for a development contribution in lieu of open space provision in certain instances, I do not consider that the development materially contravenes the development plan in this respect. While I note third party objections on the lack of public open space provision, I consider that the development will make a satisfactory contribution to the public realm overall in the form of an improved frontage to Sandyford Road and a new pedestrian connection to Cul Cuille, which will enhance pedestrian permeability in the wider area as it will create a more direct connection to Sandyford village to the northeast. In addition, the site is adjacent to a substantial public amenity at Fitzsimons Wood and therefore amenities are easily accessible to residents of the development, in addition to the communal landscaped areas within the development. The lack of public open space provision is therefore considered acceptable in this case. The CE Report indicates that the planning authority is of a similar view and the report of DLRCC Parks Department recommends the imposition of a special development contribution under section 48(2)(c), to be used towards funding public open space and improvement works at Fitzsimons Wood as agreed with the Parks Department, in addition to the standard section 48 development contribution. Third parties have also objected to the imposition of such a condition, as it means that the development will not add to the quantum of public open space in the area. However, I consider that, given the limited size of the of the overall site, even the provision of 15% public open space as per national and development plan policy, would not result in a substantial contribution to the overall quantum of public open space in the area.

I note the submissions of the adjoining landowner and property management company at The Pastures to the south, which state that trees within the development site overhang the shared boundary. This matter will be addressed by the proposed removal of existing trees within the development site boundary. The Arboricultural

Report also details tree protection measures for the trees outside the development site boundary, within The Pastures, which may be required by condition if permission is granted. Residents to the east of the site also state concerns that the retention of the existing boundary wall at the eastern site boundary will not act as a secure boundary to the development. It is proposed to retain and enhance the existing boundary wall, which is generally acceptable. Full details of all boundaries in the final development may be agreed with the planning authority by condition if permission is granted.

10.6.3. Quality of Residential Accommodation

As per the submitted Housing Quality Assessment, Architectural Design Statement and Statement of Consistency, the development has been designed to be consistent with the quantitative standards of the Apartment Guidelines for standard apartment developments (not BTR) with regard to unit floor areas as per SPPR 3, floor to ceiling height as per SPPR 5, number of units per lift core as per SPPR 6, internal storage areas and private amenity space as per the standards set out in Appendix 1. A total of 69 no. units (c. 50.3%) exceed the minimum floor area standards by at least 10%. Development plan standards for residential development are consistent with the Apartment Guidelines with regard to apartment floor areas, floor to ceiling heights, private amenity space and internal storage space standards and the development therefore is also consistent with the development plan in respect of these matters.

With regard to apartment floor areas, Appendix I of the Apartment Guidelines states that a variation of up to 5% can be applied to room areas and widths subject to overall compliance with required minimum overall apartment floor areas. The applicant has applied this flexibility to a total of 59 no. units within the proposed development and notes that these units do not meet the development plan standards for aggregate room areas and/or widths, noting that development plan section 12.3.4.2 states:

The minimum size of habitable rooms for houses/apartments/and flats shall conform with appropriate National guidelines/ standards in operation at the date of application for planning permission, including the date of application for planning permission,

including the minimum dimensions as set out in 'Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities' (2020), ...

I do not consider that the development materially contravenes the development plan in this regard, given that the proposed room sizes meet the requirements of the Apartment Guidelines, notwithstanding that the applicant's Material Contravention Statement addresses this matter.

SPPR 4 of the Apartment Guidelines states an objective to provide a minimum of 50% dual aspect units at suburban or intermediate locations. The development provides a stated 69% of dual aspect units (95 no. units). I am satisfied that the units in question meet the definition of dual aspect units as provided in development plan section 12.3.5.1. While I note that the CE Report contests the definition of dual aspect units where the secondary windows do not light LKD rooms, I consider that this arrangement is acceptable and that the development achieves a satisfactory proportion of dual aspect units overall. There are 12 no. north facing single aspect units in Blocks B, C and D (all are one-bed units). It is submitted that these units all overlook communal amenity spaces within the development. They are considered acceptable on this basis, noting that section 3.18 of the Apartment Guidelines states that north facing single aspect apartments may be considered where overlooking a significant amenity such as a public park, garden or formal space, or a water body or some other amenity feature.

Development plan section 12.3.5.2 states that all proposals for residential development, particularly apartment developments and those over three storeys high, shall provide for acceptable separation distances between blocks to avoid negative effects such as excessive overlooking, overbearing and overshadowing effects and provide sustainable residential amenity conditions and open spaces. A minimum clearance distance of c. 22 m is generally required between opposing windows in the case of apartments up to three storeys high and greater distances may be necessary in taller blocks having regard to the layout, size, and design. Reduced separation distances may be acceptable in certain instances, depending on orientation and location in built-up areas. The Architectural Design Statement and drawings on file provide detailed analysis of separation distances between the proposed blocks. The separation distances between the rear elements of the blocks are generally between 21.2m – 21.6 m. I consider that this distance is marginally

below the recommended 22m and is acceptable. There are several other instances of reduced separation distances between blocks:

- Distances of c. 12.5m and 12.772 m between Blocks A and B
- Distances of c. 7.475m and 13.182 m between Blocks B and C
- Distances of c. 8.89m and 16.402m between Blocks C and D

In all of the above instances, windows are staggered to prevent direct overlooking and/or obscure glazing is used. The CE Report recommends that the proposed layout should be redesigned to provide increased separation distances between the blocks. The recommended redesign is also to address other issues/ concerns, as discussed elsewhere in this report. However, given the proposed design measures to obviate overlooking between blocks, and given that the interior of the units will generally achieve satisfactory daylight and sunlight standards as per the discussion of daylight and sunlight below, I consider that the reduced separation distances will not significantly impair the quality of residential units and are therefore acceptable in this instance. In addition, notwithstanding that the Material Contravention Statement addresses separation distances, I do not consider that the development materially contravenes the development plan in this respect, given that the plan allows for some flexibility on the 22m standard.

Development plan section 12.3.5.3 states a requirement for external storage space, in addition to the internal storage space standards set out in the Apartment Guidelines. The development does not provide any external storage space and the CE Report recommends condition no. 3(c)(iii), which seeks to address this deficiency by requiring the provision of at least 2 sq.m. per unit of external storage space at ground and/or basement level. A similar condition may be imposed if the Board decides to grant permission. The applicant's Material Contravention Statement addresses the matter of the provision of external storage. However, given that this is a relatively minor requirement that may easily be addressed by condition, as recommended by the planning authority, I do consider that the omission of external storage in the proposed development amounts to a material contravention of the plan.

The communal amenity space requirements set out in Appendix 1 of the Apartment Guidelines (as repeated in development plan standards) entail a requirement of 939

sq.m. of communal open space to serve the development. The development provides 1,299 sq.m. of external communal open space, designed to serve a variety of functions as per the submitted landscaping proposals, as well as 404 sq.m. of internal communal amenities comprising a concierge area on the ground floor of Block A, hot desk office spaces on the upper ground floor of Blocks B and D and a gym on the upper floor of Block C. The documentation on file indicates that the development is to be run by a Management Company, as per the submitted Property Management Strategy Report. None of the communal areas are to be taken in charge. The submitted Microclimate Assessment dated 21st April 2022 examines potential impacts of the proposed layout on ground wind speeds. It finds that the development is not expected to generate elevated wind speeds at ground level given that the proposed six storey height is not classed as tall and with regard to the absence of other tall structures and the generally open nature of the area upwind. The submitted Daylight and Sunlight Assessment Report includes a Sun Hours on Ground (SHOG) Analysis of the communal open spaces within the development, which finds that all of the external communal amenity areas will achieve considerably more sunlight than the BRE criterion of two or more hours of sunlight to over 50% of their areas on 21st March. I note that the CE Report states concerns that some of the communal open spaces are overshadowed, however I am satisfied that they exceed BRE targets overall and therefore are acceptable with regard to access to sunlight.

The CE Report comments that the hot desk space and gym spaces in Blocks B, C and D are fragmented and recommends several changes to be required by condition to address this, such that the total area of indoor communal amenities does not exceed 150 sq.m. The report recommends that the southernmost communal facility in Block C, currently indicated on floor plans as a gym, is to be laid out as an apartment as per the floor above and the adjacent apartment C0-03 at the Sandyford Road frontage of Block C is to be amalgamated with the adjoining communal facility to provide a creche. Therefore, the proposed gym in Block C would be omitted in favour of a creche. However, as per the discussion of childcare provision below, I do not recommend that the development be altered to provide a creche and I therefore do not recommend that these amendments be required by condition.

The applicant has submitted a Sustainability Report, Building Lifecycle Report and Property Management Strategy Report. These provide details of the materials,

energy efficiency measures, and ongoing management of the development and are all noted and generally satisfactory.

I am satisfied overall on this basis that the development provides an adequate quantity and quality of communal open space and amenities to meet the needs of residents of the development.

10.6.4. Daylight and Sunlight to Proposed Apartments

Section 3.2 of Building Height Guidelines states that the form, massing, and height of proposed development should be carefully modulated so as to maximise access to natural daylight, ventilation and views and minimise overshadowing and loss of light. The Guidelines state that appropriate and reasonable regard should be taken of quantitative performance approaches to daylight provision outlined in guides like the Building Research Establishment (BRE) 'Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice' (2nd edition, 2011, also known as BRE 209) or 'BS 8206-2: 2008: Lighting for Buildings – Part 2: Code of Practice for Daylighting'. Where a proposal may not be able to fully meet all the requirements of the daylight provisions above, this must be clearly identified and a rationale for any alternative, compensatory design solutions must be set out, in respect of which the planning authority or ABP should apply their discretion, having regard to local factors including specific site constraints and the balancing of that assessment against the desirability of achieving wider planning objectives. Such objectives might include securing comprehensive urban regeneration and/or an effective urban design and streetscape solution. The Sustainable Urban Housing Design Standards for New Apartments Guidelines (2020 and as updated in 2022) also state that planning authorities should have regard to these BRE or BS standards.

Development plan section 12.3.4.2 states that all habitable rooms within new residential units shall have access to appropriate levels of natural/daylight and ventilation and that development shall be guided by the principles of the 2011 BRE Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice and/or any updated, or subsequent guidance, in this regard (my emphasis). I consider that this statement allows for some flexibility in the interpretation of the guidance referred to which, in any case, is not mandatory, and that, subject to a reasonable level of compliance, the development does not materially contravene the development plan

in respect of daylight and sunlight, notwithstanding that the applicant's Material Contravention Statement addresses the matter.

The applicant's Daylight and Sunlight Assessment Report, dated April 2022, is based on recommendations outlined in the 2011 BRE Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice and the BS 8206-2:2008: Lighting for Buildings - Part 2: Code of Practice for Daylighting. I have considered the report submitted by the applicant and have had regard to the above guidance documents. I note and acknowledge the publication of the updated British Standard (BS EN 17037:2018 'Daylight in Buildings'), which replaced the 2008 BS in May 2019 (in the UK) but also note that this updated guidance does not have a material bearing on the outcome of the assessment and that the relevant guidance documents remain those referred to in the Urban Development and Building Heights Guidelines. It should also be noted at the outset that the standards described in the BRE guidelines are discretionary and not mandatory policy/criteria. The BRE guidelines also state in paragraph 1.6 that, although it gives numerical guidelines, these should be interpreted flexibly since natural lighting is only one of many factors in site layout design. The BRE note that other factors that influence layout include considerations of privacy, security, access, enclosure, microclimate etc. in Section 5 of the standards. In addition, industry professionals would need to consider various factors in determining an acceptable layout, including orientation, efficient use of land and arrangement of open space, and these factors will vary from urban locations to more suburban ones.

The Daylight and Sunlight Assessment Report considers daylight to the proposed apartments in terms of Average Daylight Factor (ADF). In general, ADF is the ratio of the light level inside a structure to the light level outside of structure expressed as a percentage. The BRE 2009 guidance, with reference to BS8206 – Part 2, sets out minimum ADF values that should be achieved, these are 2% for kitchens, 1.5% for living rooms and 1% for bedrooms. Section 2.1.14 of the BRE Guidance notes that non-daylight internal kitchens should be avoided wherever possible, especially if the kitchen is used as a dining area too. If the layout means that a small internal galley-type kitchen is inevitable, it should be directly linked to a well daylighted living room. This guidance does not give any advice on the targets to be achieved within a combined living/kitchen/dining layout. It does, however, state that where a room serves a dual purpose the higher ADF value should be applied. All of the proposed apartments

include a combined living/kitchen/dining room (LKD). The applicant's assessment provides ADF analysis for all apartments/ habitable rooms within the development. It considers all LKDs against the 2% ADF target, as well as the lower 1.5% ADF target. I am satisfied that the applicant's ADF assessment is based on a robust methodology, as set out in section 5.0 of same, and I see no reason to question its conclusions. The results indicate that, of the 406 no. habitable rooms tested, 394 no. rooms comply with the BRE targets, including the 2% ADF target for LKDs, an overall compliance rate of c. 97%. The compliance rate rises to c. 99% if the 1.5% ADF target is applied to LKDs. The report concludes that for a scheme of this scale and density, this could be seen as a good level of compliance and could be seen as favourable. Section 8.3.1 of the report also sets out detailed compensation measures for all individual units which do not meet the ADF targets, including overlooking of communal amenity spaces, units that are larger than the minimum required floor areas and dual aspect units. It also states that the proposed units have adequate levels of glazing and that the front portion of each room will appear sufficiently well daylight with supplementary electric lighting required towards the rear of the unit at times.

In relation to the conclusions of the report, I concur that a compliance rate of 97% is a relatively good performance for a scheme of this nature, and where there are shortfalls when assessed against BRE targets I am not of the view any of these shortfalls are significant. Again, I note the non-mandatory nature of same. While I note this, in and of itself a compliance rate of 97% is acceptable, and I would not recommend refusal or changes to the scheme on this basis alone. However, I have set out my concerns in relation to the overall height and massing of the scheme elsewhere in this report, and note that if the height and massing were reduced there may well be an improvement in the overall compliance rate. Notwithstanding, both the Building Height and Apartment Guidelines state that where a proposed development cannot demonstrate that it meets the BRE daylight provisions, compensatory measures should be described. The applicant has set out compensatory design solutions which apply to the overall development as a whole. There are also wider planning objectives which apply to this site which seek to develop the site at an appropriate density, and to deliver an appropriate urban design and streetscape. I am satisfied overall that the daylighting to the proposed

development would adequately meet the residential amenity levels for future residents. I also note that, as discussed above, the applicant has proposed compensatory design measures for individual units that do not meet ADF targets, including orientation of rooms, overlooking of communal amenity spaces, units that are larger than the minimum required floor areas and dual aspect units.

The Daylight and Sunlight Assessment also provides analysis of Annual Probable Sunlight Hours (APSH) and Winter Probable Sunlight Hours (WPSH) at the main living room windows of all of the proposed apartments, against the BRE recommendation that interiors where the occupants expect sunlight should receive at least one quarter or 25% of APSH, including at least 5% of APSH in the winter months between 21st September and 21st March. The results of APSH analysis find that c. 55% of the proposed apartments meet the BRE criteria for sunlight. It is submitted that this is an adequate level of performance, given that north facing units are less likely to meet APSH or WPSH targets, and this point is accepted.

The Daylight and Sunlight Assessment also provides a supplementary analysis of rooms within the development in terms of target illuminance, with regard to the updated BRE target criteria set out in European Standard EN 17037:2018 Daylight in Buildings and British Standard BS EN 17037:2018, which are not referenced in the Apartment Guidelines or the Building Height Guidelines. European Standard EN 17037 provides a range of recommendations for 'high', 'medium' and 'minimum' daylight targets:

- Minimum illuminance 300 lux
- Medium illuminance 500 lux
- High illuminance 750 lux

The minimum target of 300 lux is to be met to 50% of the area of a room, for 50% of daylight hours; and 100 lux is to be met for 95% of the area. No distinction is made for the function of the room for target lux levels within this standard. The Assessment notes that the target values given within EN 17037 are difficult to achieve, especially where increased density is desired. The target values of BS EN 17037:2018 differ based on the function of the room assessed:

- 200 Lux for kitchens;

- 150 Lux for living rooms;
- 100 Lux for bedrooms

The targets are to be met for 50% of the room, for 50% of the daylight hours. Where rooms serve more than one function, the higher target value should be taken. The results presented in section 7.5 of the Assessment find a high level of compliance across the development with EN 17037:2018 targets and almost 100% compliance with BS EN 17037:2018 targets.

The Daylight and Sunlight Assessment provides Sun on Ground figures for external balconies such that c. 64% of the 137 no. proposed balconies will achieve the BRE criterion of two or more hours of sunlight to over 50% of their areas on 21st March. It is submitted that this is an adequate level of compliance given that north facing balconies cannot achieve compliance in this regard.

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

The applicant's Material Contravention Statement addresses the matter of daylight and sunlight, noting that development plan section 12.3.4.2 states that development shall be guided by the principles of the BRE Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice (2011) and/or any updated, or subsequent

guidance. I do not consider that the proposal materially contravenes the development plan in relation to this matter, noting that it is generally consistent with BRE guidance and, in any case, noting the non-mandatory nature of such guidance.

10.6.5. Design and Layout Conclusion

I am generally satisfied that the development will provide an adequate standard of residential amenity for future residents with regard to the design and layout of individual apartments and to the proposed communal open spaces and amenities. I also consider that the development will make a satisfactory contribution to the public realm of the area.

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

10.7.1. There are adjacent residential properties at Cul Cuille to the north of the development site, to the south at The Pastures and Lamb's Brook and to the east at Coolkill and Sandyford Downs. Adjacent residents submit that the development will have adverse impacts on residential amenities by way of overlooking, overshadowing and overbearing, in particular due to the proximity of the development to site boundaries, as well as adverse visual impacts on the wider area and adverse impacts on residential amenities during construction.

10.7.2. The applicant has submitted CGIs and a Landscape and Visual Impact Assessment (LVIA). The LVIA provides verified views of the proposed development from 10 no. locations in the vicinity of the site, also views of the development with outlines of the developments permitted at The Pastures (D21A/0595, currently under appeal) and at Whinsfield across the road from the site (ABP-302954-18). I note at the outset that third parties submit that the views selected are limited and do not include adequate views of the development from adjacent residential areas. The VIA provides views from 10 no. locations including six no. locations along Sandyford Road and three no. locations to the east, at Coolkill and Sandyford Downs. I accept that there is a limited number of views from locations to the east of the site, noting also that views from Cul Cuille and The Pastures, to the immediate north and south of the site, have not been provided. Third parties also comment that the CGIs are distorted and underestimate the true extent of visual impacts, due to wide angle lens distortion, to misleading camera angles and to the inclusion of trees that will be felled to facilitate the

development. They also comment that the contiguous elevations do not include houses closest to the development and therefore do not fully indicate impacts. While I note these concerns and have taken them into consideration in following assessment, I am satisfied overall that there is adequate documentation on file overall including elevations, contiguous elevations, cross sections, Architectural Design Statement, landscaping proposals and third party submissions, as well as aerial photography that is in the public realm which, along with several site inspections and my knowledge of the area, are sufficient to form the basis for a comprehensive assessment of potential visual impacts as a result of the development.

10.7.3. Interaction with Adjacent Residential Properties

Adjacent residents, particularly at Coolkill to the immediate east of the site, have submitted that the development is too close to their rear boundaries and that it will have overbearing impacts on these properties.

The rear elements of Blocks B, C and D are set down such that there are 3-4 storey elements closest to the residential properties to the east, north and south. Drawings submitted indicate the following distances from Blocks A, B, C and D to adjacent residential properties (estimates based on drawings on file):

Adjacent Property	Distances
Cul Cuille 3 Storey Apartment Block Distances to side of Block A	c. 3 m to the rear of Cul Cuille block Abuts shared boundary
Nos. 7-10 Cul Cuille Distances to side/rear of Blocks A and B	c. 23-31m to the rear elevations of nos. 7-10 Cul Cuille c. 9.2-25m to rear boundaries of nos. 7-10 Cul Cuille
Nos. 31-36 Coolkill Distances to rear elevations of Blocks B, C and D	c. 27-40m to the rear elevations of nos. 31-36 Coolkill c. 15-18 m to the rear boundaries of nos. 31-36 Coolkill.
No. 30 Coolkill Distances to rear elevation of Block D	c. 15m to a single storey structure to the rear of no. 30 Coolkill c. 22m to the first floor rear façade of no. 30 Coolkill. c. 11.1m to a single storey structure to the side/rear of no. 30 Coolkill, which abuts the shared boundary

The Pastures as permitted under D21A/0565 (currently under appeal) Distances to Block D	c. 15.1-18m to the side of The Pastures Block B c. 10-12m to the site of The Pastures Block A c. 4-7m from the shared site boundary
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As discussed above, I accept that there are limited CGIs indicating views from the adjacent properties. However, I note VIA viewpoints V2, V3 and V4. I consider that the development will significantly change the outlook from Coolkill, Cul Cuill and The Pastures, due to its height, scale and proximity to site boundaries and to the removal of existing trees at the development site, notwithstanding proposed landscaping measures. The VIA assesses impacts at these locations slight and neutral (V1 and V2) and imperceptible (V3). I consider that this is an underestimation given that the development will significantly change the outlook from these locations. I also accept with regard to third party comments that the submitted CGIs are likely to underestimate the extent of visual impacts to some degree, also that the overall height of the blocks is likely to appear as greater than six storeys given the sloping topography of the site and the presence of an undercroft/semi-basement. I do consider with regard to the Architectural Design Statement that the elevations are well designed. They are broken into a variety of elements to avoid a monolithic appearance, have high quality finishes and have been designed to obviate direct overlooking. On balance, however, I consider that the proposed six storey Blocks C and D will have an overbearing impact on properties to the east, given their relative proximity to site boundaries and with regard to the site topography. I therefore recommend the omission of the sixth floor of Blocks C and D, noting also that a five storey development would be in keeping with the prevailing pattern of development in the area, as discussed above in relation to building height. The overall reduced height of the development would also reduce visual and overbearing impacts to rear/east of the site as the bulk and scale of Blocks C and D would be reduced.

The CE Report states concerns about the proximity of Block A to Cul Cuille and recommends the omission of the 3-4 storey element of Block A closest to the northern site boundary, with the omission of four no. residential units. However, the planning authority is satisfied that the impacts of Blocks B, C and D on adjacent properties to the east would be acceptable with regard to the set-back design of the

blocks and to the number and position of windows and private amenity spaces. I do not consider that the alterations recommended by the planning authority to omit elements to the southern sides of Blocks B and C would result in any significant changes to impacts on residential amenities, given that these elements are closer to the Sandyford Road site frontage, and that separation distances between blocks and levels of sunlight in the communal open spaces are satisfactory, also that the overall quantum of communal open space is satisfactory. I therefore do not recommend the omission of these elements by condition.

Residents to the east of the site have stated particular concerns about the proposed toddler play area, which is located at the southeastern corner of the site, and about related noise impacts, noting that a play area was also permitted within The Pastures to the immediate south. I note that the proposed play area use is permissible under the residential zoning of the site and is also a desirable element of the development. I do not consider that it would result in such an undue impact on residential amenities that it should be omitted from the development.

10.7.4. Impacts on Visual Amenities in the Wider Area

The site context at Sandyford Road is currently undergoing a transformation with the construction of the 4-5 storey Whinsfield development across the road from the development site, as well as the recently constructed Cul Cuille development to the immediate north. VIA views nos. V1, V5, V6, V7, V8 and V9 provide close up and more distant views of the development from various locations on Sandyford Road. The VIA assesses impacts on views from these locations as slight/moderate and neutral. The development will present a substantial new frontage to Sandyford Road, with a landscaped buffer and new planting at the street frontage, as well as a new pedestrian connection to Cul Cuille. The planning authority is of the view that it will improve the urban context at Sandyford Road and, given that the existing site makes no contribution to the public realm at this location, I concur with this view. The development will provide a new active frontage to the road with a landscaped buffer and a new pedestrian connection. This is considered to be a substantial contribution to the public realm, which will enhance the appearance of the area. I also agree with the planning authority that the new frontage to Sandyford Road will also create a sense of enclosure. Visual impacts at Sandyford Road are considered satisfactory overall on this basis.

While I note third party concerns that the development will impinge on views of the Dublin Mountains, I am satisfied that visual impacts will be primarily limited to the immediate site context and that the development will not have significant visual impacts on the wider area, e.g. views from the M50, or on any designated views or prospects.

10.7.5. Daylight and Sunlight Impacts on Residential Amenities

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

The Daylight and Sunlight Assessment Report considers impacts on VSC to 111 no. windows at the DLRCC Parks Department building across the road, at Cul Cuille to the north of the site, at Coolkill to the east, at Sandyford Downs to the southeast and at the permitted developments at The Pastures to the south and Whinsfield across the road. In general, Vertical Sky Component (VSC) is a measure of the amount of sky visible from a given point (usually the centre of a windows) within a structure. The BRE guidelines state that if the VSC, with the new development in place, is both

less than 27% and less than 0.8 times its former value occupants of the existing building would notice the reduction in the amount of skylight. These locations are selected with regard to the relative orientation and intervening distances. I am satisfied that these are the properties most likely to experience effects on daylight and sunlight with regard to their orientation and proximity to the proposed development. The overall findings of the Daylight and Sunlight Assessment may be summarised as follows, with regard to the detailed VSC impact assessment results presented in section 6.0 of same:

- All windows assessed at the DL RCC Parks Department building comply with BRE criteria for VSC. Impacts at this location are assessed as imperceptible.
- All windows assessed at the Cul Cuille apartment block and at nos. 7-12 Cul Cuille comply with BRE criteria for VSC. Impacts at this location are assessed as imperceptible/positive.
- All windows assessed at nos. 30-37 Coolkill comply with BRE criteria for VSC. Impacts at this location are assessed as imperceptible.
- All windows assessed at nos. 12-15 Sandyford Downs comply with BRE criteria for VSC. Impacts at this location are assessed as imperceptible.
- All windows assessed at Blocks A and B at the permitted development at The Pastures comply with BRE criteria for VSC. Impacts at this location are assessed as imperceptible.
- The development will have a moderate impact on windows at the lower floors at the northeastern corner of the adjacent block within the Whinsfield development across the road, ref. ABP-302954-18. The following instances are noted where windows tested at Whinsfield did not meet the BRE targets:

Location / window no.	Baseline VSC	Proposed VSC	Ratio of Proposed to existing VSC
Level 00 window 0b	7.5%	4.12%	0.55
Level 00 window 0c	7.27%	3.79%	0.52
Level 00 window 0f#1	15.98%	10.00%	0.63
Level 00 window 0f#	16.39%	12.58%	0.77

Level 00 window 0g	8.5%	5.49%	0.65
Level 01 window 1c	13.48%	10.71%	0.79
Level 01 window 1f#1	14.57%	9.82%	0.67
Level 01 window 1f#	15.10%	12.01%	0.80
Level 01 window 1g	7.93%	5.22%	0.66
Level 02 window 2F#1	15.6%	12.27%	0.79
Level 02 window 2g	8.41%	5.98%	0.71

Section 6.3 of the Daylight and Sunlight Assessment also presents the results of analysis of effects on VSC at the opposing facades at Whinsfield without balconies. This additional study is intended to demonstrate that balconies can contribute towards perceived high levels of impact. The analysis finds that all windows assess comply with BRE targets for VSC after the proposed development, with impacts assessed as imperceptible.

The Daylight and Sunlight Assessment considers impacts on Annual Probable Sunlight Hours (APSH) and Winter Probable Sunlight Hours (WPSH) as a result of the development. British Standard BS 8206: Part 2:1992 recommends that interiors where the occupants expect sunlight should receive at least one quarter (25%) of APSH, including at least 5% of annual probable sunlight hours during the winter months (21st September to 21st March). If the available sunlight hours are both less than the amount given and less than 0.8 times their former value, either over the whole year or just during the winter months and reduction in sunlight across the year has a greater reduction than 4%, then the occupants of the existing building will notice the loss of sunlight. The BRE recommendations note that if a new development sits within 90° due south of any main living room window of an existing dwelling, then these should be assessed for APSH. The Assessment therefore calculates APSH and WPSH for 58 no. relevant adjacent windows that face the proposed development and have an orientation within 90° of due south. Section 6.4 of the Assessment presents detailed results for the APSH and WPSH analysis. All of the windows tested at the DLRCC Parks Department, Cul Cuille and The Pastures meet BRE sunlight criteria for APSH and WPSH.

The Daylight and Sunlight Assessment also considers potential overshadowing of gardens at Cul Cuille and Coolkill with regard to the BRE criterion the of two or more hours of sunlight to over 50% of their areas on 21st March. The detailed results presented in section 6.6 of the Assessment indicate that all of the amenity spaces analysed meet the BRE criterion before and after the development. Impacts are generally assessed as 'imperceptible', with positive impacts at some locations due to the removal of the existing dense band of evergreen trees at site boundaries.

I note third party concerns about deficiencies in the applicant's Daylight and Sunlight Assessment, in particular relating to the inclusion of existing evergreen trees at site boundaries in the baseline which, it is submitted, results in a flawed assessment. Section 2.2 of the Assessment provides details of the modelling parameters. The development site is represented in its current state, including the evergreen trees, to generate baseline results. The proposed model used for assessment of impacts on adjacent properties reflects the development as built as proposed in conjunction with the development permitted at The Pastures ref. D21A/0595, notwithstanding that same is currently under appeal, as well as the proposed removal of existing trees and replacement landscaping. This is considered reasonable.

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

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

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

10.7.7. Construction Impacts on Residential Amenities

Third party submissions state concerns about potential impacts on residential amenities relating to dust, noise and construction traffic during the construction period. There are particular concerns about rock breaking that is likely to be necessary to construct the basement/undercroft, given the presence of granite close to the surface in the wider area, and consequent issues of noise, vibration, etc. In addition, the report on file of DLRCC Environmental Enforcement states concerns that, in the absence of any site investigation and planning for rock excavation, the proposed construction works could result in noise of such intensity and duration as to cause significant disturbance at nearby residential properties.

The applicant includes an outline Construction and Environmental Management Plan (CEMP), section 4.0 of which addresses ground condition and excavations at the site and section 7.4 of which addresses noise and vibration. In addition, the submitted Noise Impact Assessment considers potential construction noise and vibration impacts at nearby sensitive receptors, including during site preparation works, with reference to the documents 'BS 5228 2009+A1 2014 Code of practice for noise and vibration control on construction and open sites', which provides guidance on permissible noise levels relative to the existing noise environment and 'BS 5228-2:2009+A1:2014 Code of practice for noise and vibration control on construction and open sites – Vibration', although it does not specifically address rock breaking or excavation. The Noise Impact Assessment states that best practice is to be used to prevent adverse noise and vibration impacts during construction and to keep emissions within guidance parameters. While there is potential for significant noise impacts during construction at nearby sensitive locations, these impacts are short term, will be reduced by the implementation of proposed mitigation measures, and would be the case for any development of these zoned and serviced lands. The report of DLRCC Environmental Enforcement recommends the submission of a Noise Management Plan prior to the commencement of site works and I consider that same could be required by condition if permission is granted. I am satisfied overall that impacts predicted to arise in relation to noise and vibration would be

avoided managed and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the development would not have any unacceptable direct, indirect, or cumulative impacts in terms of noise and vibration.

The CEMP also includes proposals for construction hours, construction traffic management, construction lighting, dust control, waste management, surface water management and measures to minimise ecological impacts. I am satisfied that, subject to the implementation of a detailed Construction Management Plan and a Construction Traffic Management Plan, which may be required by condition if permission is granted, as well as monitoring of the excavation and construction phases, the excavation and construction phases of the development would not have any significant adverse impacts on residential amenities. I also note in this regard that DLRCC Environmental Enforcement recommends environmental monitoring during construction works, also liaison with local residents. These measures may be required by condition.

I note the request of third parties that a condition requiring revised construction hours be imposed. I recommend that the standard construction hours condition be imposed if permission is granted, with regard to the above construction management measures.

10.8. Social Infrastructure and Childcare Provision

10.8.1. Social Infrastructure

Third party submissions comment that there will be several new large scale, high density developments in the area, beyond the capacity of local services to support the new population. There are particular concerns about lack of places at local schools. I note that the site is located in a transitional, emerging urban area and that there are existing neighbourhood services nearby at Sandyford village and Lamb's Cross. The submitted Social Infrastructure Audit (SIA), dated April 2022, details the existing provision of social and community facilities in the vicinity of the development site, in the context of local demographic information drawn from Census data and with regard to the recently adopted 2022 County Development Plan, noting that no Specific Local Objectives in relation to the provision of community facilities apply at the development site. The SIA identifies that the wider area is well served by social

and community infrastructure including Leopardstown (3.2 km), Dundrum Town Centre (c. 2 km) Ballinteer (2.9 km) and Marlay Park (3.8 km). I am satisfied on this basis that the area is served by a wide range of social and community infrastructure, noting that the development will result in an improved pedestrian connection to Sandyford village to the northeast.

The SIA details existing and proposed primary school and post primary school provision in the area with regard to its demographic profile. There have been upgrades to the existing Educate Together National School facilities at Ballinteer and Stepside, which will expand enrolment numbers and increase capacity within the existing network. Both the primary and post-primary schools identified for the adjoining Goatstown Stillorgan DLR feeder area have opened in interim accommodation and one primary school identified for Sallynoggin Killiney DLR has opened interim accommodation. Development plan Specific Local Objective (SLO) 51 is to provide for primary and post primary education facilities at Legionaries of Christ lands and at Stillorgan Industrial Estate/Benildus Avenue. This objective has been brought forward from the previous 2106-2022 development plan. It is therefore expected that these new schools will be delivered under the lifetime of the current plan. It is submitted with regard to schools provision that the modest scale of the development would not generate such additional demand for school places as would warrant a refusal of permission. This point is accepted, noting also that the Department of Education and Skills (DES) reported in November 2021 that enrolment figures for primary schools in Ireland were likely to have reached peak levels in 2020 and will fall gradually to a low point in 2033 (see Figure 5.4 overleaf), in line with revised migration and fertility assumptions for the country as a whole.

10.8.2. Childcare Provision

The Childcare Facilities Guidelines for Planning Authorities recommend a minimum provision of 20 no. childcare places per 75 no. dwellings. Section 4.7 of the Apartment Guidelines states that the threshold for the provision of childcare facilities in apartment schemes should be established having regard to the scale and unit mix of the scheme, the existing geographical distribution of childcare facilities and the emerging demographic profile of the area. One bed or studio units should generally not be considered to contribute to a requirement for any childcare provision and, subject to location, this may also apply in part or whole to units with two or more

bedrooms. The development includes 105 no. two/three-bed apartments. This entails a maximum childcare requirement of c. 28 no. childcare places, to serve all of the two and three-bed units. The development does not include a creche. The submitted Childcare Demand Assessment seeks to justify this omission on the basis of analysis of existing childcare provision in the area in the context of demographic analysis of childcare demand likely to be generated by the development with regard to data obtained from the Census and the CSO's Quarterly National Household Survey. The Assessment estimates that the development will have a population of c. 6-10 no. children aged between 0-6 years old and is likely to generate demand for 6-10 no. childcare places. The survey and analysis of existing childcare facilities within a 2.5 km radius found an estimated 85 no. spaces available. It is submitted on this basis that childcare demand generated by the development can be absorbed by existing facilities in the area.

I accept that this approach has previously been accepted by the Board to justify the omission of childcare facilities at various locations, noting that section 2.4 of the Childcare Guidelines recommends that the threshold for childcare provision should be established having regard to the existing geographical distribution of childcare facilities and the emerging demographic profile of areas and that Appendix 2 of the Guidelines states that the application of the standard of one childcare facility per 75 dwellings should have regard to the demographic make-up of the proposed residential area. In addition, development plan Policy Objective PHP6: Childcare Facilities states that 'In general, at least one childcare facility should be provided for all new residential developments subject to demographic and geographic needs' (my emphasis). The DLRCC CE Report notes that the existing childcare facilities referred to in the Childcare Demand Assessment are some distance from the development site, ref Figure 5.1 of the Assessment, and the planning authority therefore recommends that the development be amended to provide a creche in lieu of communal facilities for residents. I note that many of the existing facilities referred to in the Childcare Demand Assessment are within a 2km radius, albeit not accessible by public transport. There are also several facilities within a 1 km radius. I consider that this is adequate provision given the very limited childcare demand likely to be generated by the development and I therefore do not recommend that the development is altered by condition to provide an on-site creche.

10.9. Movement and Transport

10.9.1. Third parties and An Taisce comment that there is limited public transport provision in the area and that the site is therefore relatively inaccessible and not suited to higher density residential development. The submitted Transportation Assessment and preliminary Mobility Management Plan (MMP) provide details of existing sustainable transport options in the area. There are pedestrian and cycle facilities at Sandyford Road, which connect to wider networks. The development site is an estimated as 20 minute walk or seven minute cycle from Sandyford Business District and an estimated 8-9 minute cycle from Glencairn Luas stop (both c. 2km from the development site). Sandyford Road is served by several bus services and there are stops in the immediate vicinity of the site. There are also bus stops at Sandyford Village, nearby to the northeast of the site, with pedestrian connections to same significantly improved by the proposed new connection to Cul Cuille. The submitted Bus/Luas Capacity Assessment Report details the following current bus services in the vicinity:

Route #	Stop Location	No. of Buses 7-9 am (Mon to Fri)
44 DCU to Enniskerry	Sandyford Village	3
44B Dundrum to Luas Glencairn	Sandyford Road	2
114 Blackrock DART to Rockview, via Luas	Sandyford Road	3

The bus capacity analysis provided states that this existing provision has a capacity of c. 636 bus seats during the 7-9 am commuter peak. The analysis estimates that the development will create a 'worst case scenario' additional demand for c. 16 no. seats on bus services between 7-9 am, c. 2.5% of the existing total available seat capacity locally. A survey of the existing 44, 44B and 114 bus services in April 2022 found that the services had over 50% spare capacity in AM and PM peak periods. The Luas Green Line services have recently been upgraded by the Luas Green Line Capacity Enhancement Project, which commenced in 2019 and included lengthening existing Green Line trams, provision of additional trams, a major expansion of Sandyford Green Line Depot and power system upgrades, to provide an overall increased passenger capacity of 30%. The Luas capacity assessment estimates that the development will create an additional demand for Luas seats equating to 0.4% of

current capacity. It is submitted on this basis that there is sufficient capacity in existing public transport services in the area to cater for the development. This is accepted. In addition, the current Bus Connects proposals for the area indicate that Sandyford Road will be served by radial routes nos. 87 and 88 and local route L33 and Sandyford Village will be served by radial route no. 86 as follows:

No.	Route	Frequency 7-9 am
86	Ticknock-Goatstown-Mountjoy Square	30 mins between buses
87	Belarmine-Dundrum-Mountjoy Square	60 minutes between buses
88	Enniskerry-Belarmine-Dundrum-Mountjoy Square	60 minutes between buses
L33	Glencullen-Dundrum	60 minutes between buses

10.9.2. Sandyford Road is within the 50 kph speed limit and currently has limited pedestrian and cycle facilities. There is a 6 Year Roads Objective/Active Travel Upgrade for Sandyford Road under the current development plan, brought forward from the previous 2016-2022 plan, and works are currently underway at Lamb's Cross. The development site currently has two vehicular accesses to Sandyford Road. The proposed layout indicates a new vehicular/pedestrian/cycle priority controlled junction access to Sandyford Road at the northern end of the site and the red line site boundary includes lands outside the ownership of the applicant to construct same. The layout indicates a raised table at the main access to facilitate the continuation of the existing footpath and cycle path at this location. The application includes a State 1 Road Safety Audit and a DMURS Design Statement. The detailed design of the pedestrian connections to Sandyford Road has been revised on foot of consultation with DLRCRCC Transportation Department. The Transportation Department Report on file states satisfaction that the access can be accommodated without any adverse traffic impact arising and also that the layout will not prejudice the future delivery of the proposed Blackglen Road/Harold's Grange Road Improvement Scheme which ties into the existing road, footpath and cycle lane alignments at the site frontage.

10.9.3. The proposed car parking provision comprises 137 no. spaces, of which 133 no. spaces are located at basement/undercroft level with four no. set-down surface parking spaces close to the main entrance and beside Blocks A and B. The basement/undercroft spaces include six no. car club spaces (supporting

documentation is submitted), seven no. mobility impaired spaces and 31 no. EV charging spaces. Third party submissions state concerns that the proposed limited car parking provision will generate overflow parking and consequent congestion on adjacent residential roads, particularly due to the new pedestrian connection to Cul Cuille. The site is located in development plan Parking Zone 3. Development plan Table 12.5 specifies a car parking standard of 1 space per one or two-bedroom apartment plus 1 in 10 visitor parking spaces and a standard of 2 spaces plus 1 in 10 visitor parking spaces per three-bedroom apartment. The proposed car parking provision therefore represents a significant shortfall of 41 no. spaces from development plan standards. Development plan section 12.4.5.2(i) provides criteria for consideration of deviation from the car parking standards, including proximity to public transport services, pedestrian and cycle accessibility/permeability, availability of car sharing and e-bike facilities, impacts on traffic safety and amenities and any proposed mobility management plan. While I note that the applicant's Material Contravention Statement addresses the matter of car parking, I do not consider that the development materially contravenes the development plan in this respect given that the car parking standards are 'maximum' standards and that the plan allows for some flexibility in their application. The applicant's Transportation Assessment and Statement of Consistency provide a rationale for the reduced car parking provision with regard to the proposed mobility management measures, the relatively accessible location of the site and proximity to services and employment opportunities, noting also that section 4.21 of the Apartment Guidelines states that planning authorities must consider a reduced car parking standard at 'intermediate' suburban/urban locations served by public transport or close to town centres or employment areas and particularly for housing schemes with more than 45 units/ha. The submitted Property Management Strategy and the proposed MMP include car parking management proposals such that spaces will be rented/purchased from the Management Company, in order to ensure efficient use of same, with some spaces reserved for visitors. The applicant's rationale also notes that the site is within the scope of the Section 49 Development Contribution Scheme associated with the Luas line and should therefore benefit from proximity to the Luas, which should be reflected by way of an accepted reduction in the expected car parking provision. The report of DLRCC Transportation Planning considers the proposed ratio of one space

per unit to be appropriate, however the planning analysis in the CE Report states that the car parking provision is not acceptable as it would not meet development plan standards. The CE Report considers that the proposed car parking provision would be acceptable subject to its recommendation to omit 28 no. units, as discussed elsewhere in this report, which would result in an improved car parking ratio. As detailed elsewhere, I have recommended the omission of eight no. units, which would also result in a reduced car parking requirement, albeit that there would still be a shortfall with regard to development plan standards. However, the proposed provision is considered acceptable with regard to the applicant's rationale and proposed mobility management measures and noting the statement of DLRCC Transportation Planning. I also note that the proposed accessible car parking provision represents 5% of the total spaces, which exceeds the 4% requirement set out in the development plan. This is satisfactory.

10.9.4. The proposed cycle parking provision comprises 340 no. spaces, which is well in excess of the 165 no. spaces required to comply with development plan cycle parking standards and meets the quantitative cycle parking standard set out in section 4.17 of the Apartment Guidelines. The Transportation Assessment provides further details of the cycle parking provision including a Cycle Audit and details of the design of proposed parking and provision of cargo bike spaces. DLRCC Transportation Planning states some concerns including limited parking provision for cargo bicycles and other 'non-standard' bicycles, also concerns about the distance of cycle parking from Blocks C and D and about a lack of clarity regarding the location of visitor cycle parking. I consider that these issues can be resolved by condition, given that the overall quantum of cycle parking is satisfactory.

10.9.5. Third parties and An Taisce state concerns about traffic congestion as a result of the development, stating that there is currently a high baseline of traffic in the area. I note at the outset that the development will generate limited traffic due to the limited car parking provision. The Transportation Assessment provides analysis of projected traffic impacts, based on traffic surveys with a Covid factor applied. The projected additional traffic generated by the development is below the 5% industry standard threshold for further consideration of impacts at the following junctions:

- Bothar Atha an Ghainimh/Sandyford Rd

- Kilcross Road/Sandyford Rd
- Blackglen Rd/Hillcrest Rd/Sandyford Rd

The Transportation Assessment provides modelling of the proposed priority junction at the site access to Sandyford Road, which finds that it will be operating well within capacity. I note third party comments regarding the assessment of cumulative impacts associated with nearby recently permitted residential developments. I do not consider this necessary given that traffic generated by the development will have negligible impact at adjacent junctions. I note that DLRCC Transportation Department states no concern in relation to traffic impacts. I am satisfied that the development would not result in adverse traffic impacts such as would warrant a refusal of permission.

10.9.6. To conclude, I am satisfied that, subject to conditions, the development would not result in any significant traffic hazard, will not have any significant adverse traffic impacts and that it includes adequate car and cycle parking provision.

10.10. Drainage, Flooding and Site Services

10.10.1. The development will connect to the existing surface water infrastructure in the area. The submitted Engineering Services Report provides details of the proposed surface water drainage design which includes SuDS measures allowing for a 20% climate change factor and a 10% allowance for urban creep as required under the current development plan. The proposed SuDs measures comprise green roofs, permeable road and path areas and a stormwater attenuation tank. The system will attenuate discharge in accordance with the Greater Dublin Strategic Drainage Study. DLRCC Drainage Planning states no objection subject to conditions.

10.10.2. Third parties state concerns that the development could result in flooding of existing residential areas downslope of the site as a result of flaws in the proposed surface water drainage design, of potential changes to groundwater flows as a result of site excavation works and of the removal of existing vegetation at the development site. The submitted Flood Risk Assessment Report notes that a review of the OPW Eastern Catchment Flood Risk Assessment shows historical fluvial flooding at Sandyford Downs, to the north and east of the development site caused, by the Carysfort Martimo River. However, however, the site is located at a higher elevation than this past flood event and is entirely within Flood Zone C. I note that

the planning authority states no concerns in relation to flood risk at the site, as per the report on file of DLRCC Drainage Planning dated 31st May 2022. I am satisfied that the development is not located in an area at risk of flooding and will not result in any increased risk of downstream flood impacts.

10.10.3. The development will connect to the existing foul sewerage network and public watermain. The Engineering Services Report provides details of projected water demand and foul outflows from the development and new watermains and foul network design. The submission on file of Irish Water, dated 13th May 2022, states that there are significant wastewater network constraints in this catchment. Irish Water has a project on its Capital Investment Plan, due to be delivered in Q2 2026 (subject to change), which will provide a strategic solution to the overall capacity constraints in the area. It states that the applicant has been advised of an alternative connection and discharge route in advance of this solution, which will involve extending the existing wastewater network by approx. 80m, to be funded by the applicant. It is expected that these works will be in the public domain. The applicant is also advised that the water network will have to be extended by approximately 80m in order to complete a connection to water infrastructure, also to be funded by the applicant. Associated conditions are recommended. The proposed water supply and foul drainage arrangements are considered satisfactory on this basis.

10.11. **Tree Removal and Ecology**

10.11.1. Tree Removal

The Tree Survey Report on file, which dates to March/April 2021, states that there are c. 27 no. individually described trees and c. 14 no. tree groups/hedges that comprise multiple specimens within the site boundary. The condition of the trees within the site is highly variable, however no 'Category A' trees are present. The majority (80%) of existing trees are Category C, 15% of trees are Category B and 5% are Category U. The development involves the removal of all of the existing trees at the site, however the landscaping proposals include planting 134 no. trees to replace them, including at site boundaries and along the frontage to Sandyford Road. Third parties object to the removal of trees on the basis of adverse visual and ecological impacts. I note that the trees at the site are of varying quality and are not subject to a Tree Protection Order or any other particular designation under the

current development plan and I accept in principle that it is necessary to remove existing trees in order to facilitate a higher density development in line with national planning policies. I am satisfied that the proposed landscaping and planting will mitigate this loss and note that they include significant planting along site boundaries. Visual and ecological impacts are considered separately elsewhere in this report.

10.11.2. Ecology

The Ecological Impact Assessment Report (EclA) is based on a bird and habitat survey carried out at the development site on 1st September 2021. The habitats encountered and identified at the site comprise buildings and artificial surfaces, stone walls and other stonework, hedgerows, treelines, amenity grassland (improved), ornamental/non-native shrub and scrub. Table 6 of the EclA provides an evaluation of the habitats present at the site such that they are all of low or negligible biodiversity value. The following conclusions in particular are noted in this respect:

- The hedgerows along the west and east site boundaries are quite thin and therefore do not offer suitable nesting habitat and the denser hedgerows along the driveways at the site are highly managed and comprised of non-native species, and so are considered of low biodiversity value.
- The treelines at the site are mainly comprised of mature Lawson Cypress, which does offer suitable nesting habitat for a number of species. As Fitzsimon's Wood is located 0.1km west of the Site, the removal of this habitat will not significantly impact biodiversity in the surrounding area.

The EclA details birds and fauna recorded at the site, which are all deemed of local importance (lower value). There is potential for negative impacts on mammals and birds at the site during construction due to disturbance and loss of foraging /nesting habitat. The proposed landscaping will include planting of native flora and protecting pollinators, which will provide additional food for birds and bats at the site.

Construction management measures are to be implemented to minimise impacts on birds and fauna, including avoidance of vegetation removal during the nesting season and measures to reduce/avoid dust and noise related impacts.

EclA Appendix III provides a Bat Report, which is based on bat surveys carried out at the site on the 16th September 2021 and on 21st April 2022. The bat surveys

recorded one bat species, Common Pipistrelle. A low-moderate level of bat activity was recorded at the development site with a total of 17 passes during the September 2021 survey and 14 passes during the April 2022 survey. The buildings at the site were deemed to have 'Negligible' bat roost potential, and the trees at the site were found to have 'Low' bat potential. The development will result in the loss of bat commuting habitat due to the removal of treelines. EclA section 7.2.3.1 and the Bat Report set out details of the proposed tree removal, to include measures to avoid bat impacts. The lighting scheme in the completed development is to be designed to avoid bat disturbance.

I accept and agree with the findings of the EclA that the development will not have any specific effect on local bat and bird populations, especially after the proposed mitigation measures.

The EclA considers potential cumulative impacts on bats and birds with regard to recently permitted developments in the vicinity and in the wider area, with regard to potential impacts on bats associated with the combined loss of suitable commuting and/or foraging habitat in the locality and potential impacts on birds due to the combined loss of nesting or foraging habitat in the area. It concludes that, given the lack of natural habitat within the other development sites and distance and urban buffer between the subject development site and the other permitted developments, there is no potential for in-combination effects on local ecology to arise as a result of the proposed development.

While there is no watercourse present at the site, there is potential for negative, short-term, moderate impacts on fish species within the River Slang/River Dodder system due to contaminated surface water discharge generated during construction. EclA section 2.2 sets out proposed surface water management measures for the construction phase, which represent general good practice for construction management and I am satisfied that same are adequate to mitigate potential adverse impacts on water quality during construction.

The high impact invasive species Cherry Laurel and the medium impact invasive species Sycamore were recorded at the development site. The EclA provides details of proposed Cherry Laurel removal by mechanical extraction, according to best practice guidelines, also measures to avoid importing further invasive species to the

site during construction. A condition requiring an invasive species management plan may be imposed if permission is granted.

The report details pNHAs within a 15 km radius of the site (EU designated sites are considered in the context of Appropriate Assessment below). The nearest pNHA is Fitzsimon's Wood (001753), 0.1km to the west of the development site boundary. Fitzsimon's Wood is considered to be of ecological importance as birch woodland is rare in Dublin, and Badger and Sika Deer, both of which are protected under the Wildlife (Amendments) Act, 2000, have been recorded within this pNHA. There is no hydrological connection between the development site and the pNHA, however due to the development to the pNHA, potential impacts may arise from emissions of noise, dust, pollutants and/or vibrations produced from site during the construction phase. These potential impacts on Fitzsimon's Wood pNHA are to be mitigated/avoided by the proposed construction management measures. The remaining pNHAs within the 15 km radius are all over 4 km from the development site. The EclA concludes that there is no possibility of significant effects on any other pNHA. This conclusion is accepted with regard to the intervening distances and lack of hydrological or other connections to the pNHAs.

I note the report on file of the DLRCC Ecologist, which recommends a further information request for several issues including an updated EclA to consider operational impacts on Fitzsimon's Wood pNHA, as the development will increase existing operational impacts on the pNHA associated with current recreational pressures; issues relating to further details of tree and hedgerow loss at the site and related mitigation measures including the proposed planting scheme; details of planting of pollinator-friendly flora to the satisfaction of the Ecologist; updated bat mitigation measures including a bat emergence survey prior to demolition, details of installation of bat boxes, construction and operational lighting plan; habitat management plan and updated CEMP to include the recommended additional migration measures. A request for further information is outside the scope of the SHD process. However, I am satisfied that the above issues can be addressed by conditions requiring further details of mitigation measures, to the satisfaction of the planning authority.

To conclude, I am satisfied with regard to the submitted EclA that the development will not result in any significant adverse impacts on flora or fauna (including bats) or

on biodiversity in the local area, subject to the implementation of the proposed construction management measures and other mitigation measures, which may be required by condition.

10.12. Proposed Telecommunications Structure

10.12.1. The development includes a new telecommunications infrastructure on the roof of Block D, including microwave link dishes concealed in shrouds.

10.12.2. The submitted Telecommunications Report assesses wireless telecommunication channels or networks of telecommunication channels, radio frequency links and microwave transmission links that may be affected by the height and scale of the proposed development, with reference to section 3.2 of the Building Height Guidelines. It is considered indeterminable as to whether a new development affects the radio frequency coverage of a geographical area which is being served by multiple base stations, not necessarily the closest. However, there is potential that an obstacle in the 'Fresnel Zone' between point-to-point microwave links could result in refraction of microwave links. The Telecommunications Report identifies two no. microwave links that could be affected by the development, both of which are installed on a telecommunication mast site c. 20m to the west of the development site which provides cellular coverage for the immediate local area. The identified microwave links are situated at c. 15m above ground level heights (AGL) and therefore the Fresnel zone of each will be diffracted by the height of the proposed development. The height of the development will therefore cause significant diffraction to these microwave links. In order to address this issue, permission is sought to install four no. 300mm microwave transmission link dishes mounted on two no. steel support poles affixed to the lift shaft overrun on Block D. These will mitigate the impact of the development on the identified microwave links emanating from the neighbouring telecommunication mast site to the west of the site and will provide some capacity for future links that may or may not be required. The Telecommunications Report concludes that, subject to the implementation of this measures, the development allows for the retention of important telecommunication channels, such as microwave links, and therefore satisfies the criteria of Section 3.2 of the Building Height Guidelines (2018).

10.12.3. National policy guidance is provided in the Telecommunications Antennae and Support Structures Guidelines for Planning Authorities (1996). Section 4.3 of the Guidelines recommends that operators should endeavour to locate in industrial estates or in industrially zoned land in the vicinity of larger towns and suburbs. In urban and suburban areas, the use of tall buildings or other existing structures is always preferable to the construction of an independent antennae support structure. Section 4.5 of the Guidelines encourages the sharing and clustering of installations in order to reduce visual impacts. Applicants are to demonstrate that they have made a reasonable effort to share the use of the same structure or building with competing operators. Development plan section 12.9.8 sets out particulars to be submitted by applicants for telecommunications antennae and support structures, including details of compliance with the above national policy; mapping of all existing telecommunications structures within a 1km radius of the proposed site and reasons why is not feasible to share existing facilities having regard to the 'Code of Practice on Sharing of Radio Sites', issued by the Commission for Communications Regulation. The applicant is also required to consider potential impacts on the amenities of occupiers of nearby properties and on the amenities of the area, such as visual impacts. I am satisfied that the submitted Telecommunications Report provides adequate mapping and other information on existing telecommunications infrastructure in the area, as well as justification for the proposed telecommunications installation. I am also satisfied with regard to the submitted VIA, drawings and other particulars on file, as well as my site inspection, that the proposed structure would not result in any significant additional or adverse visual impacts over and above those already likely to occur as a result of the proposed development. In addition, it is submitted that the structure could be used to support additional telecommunications infrastructure as and when the need arises for same, and a condition to this effect may be imposed if permission is granted. The proposed telecommunications structure is considered acceptable on this basis.

10.13. **Material Contravention**

10.13.1. The applicant's Material Contravention Statement refers to seven separate grounds of material contravention, namely (i) building height; (ii) car parking; (iii) public open space; (iv) daylight and sunlight; (v) separation distances; (vi) external storage and (vii) 5% variation to apartment room sizes/widths with regard to policies

and objectives of the Dun Laoghaire Rathdown County Development Plan 2022-2028. I have addressed each of these matters separately in the relevant sections above. In the interests of clarity and with regard to the relevant legal provisions, I consider that the proposed development does not materially contravene the development plan in respect of any of the matters raised in the Material Contravention Statement, or otherwise. However, given that the above matters are all addressed in the Material Contravention Statement, it is open to the Board to invoke section 37(2)(b) of the of the Planning and Development Act 2000 in relation to them if a different conclusion is reached in relation to any of them. In addition, having regard to the above planning assessment, I am satisfied that there is no potential material contravention in relation to any other matters.

10.14. DLRCC Chief Executive's Report and Recommended Alterations

10.14.1. The conclusion of the DLRCC CE report states that it would recommend refusal for the proposed development as submitted on the basis of what it considers to be overdevelopment of the site. However, it also welcomes the proposed redevelopment of an existing underused infill site that is zoned for residential development. It considers that a development of a reduced scale scheme at the site would still permit a high density development that would address several of the planning authority's concerns with regard to, inter alia, residential density, separation distances, car parking standards and scale and massing. It also considers that, subject to the following design amendments, the development would not impact on the residential amenity of adjacent properties and or the area by reason of overshadowing, overlooking or overbearing appearance, also that the development would not significantly detract from the character of the surrounding area and would be in accordance with relevant policy provisions of the Dun Laoghaire Rathdown County Development Plan 2022-2028.

10.14.2. The amendments recommended by the planning authority have been addressed individually in the relevant sections above, however they may be considered together here as follows:

- Concerns about overshadowing of communal open spaces to the rear of the site. These exceed BRE targets for access to sunlight and are therefore satisfactory.

- Separation distances between blocks within the development. While these are below the 22m recommended in the development plan in some instances, they are considered acceptable with regard to the detailed design of the blocks and given that the results of daylight and sunlight standards within the proposed apartments are generally satisfactory.
- Concerns regarding the proximity of Block A to Cul Cuille. I concur with these concerns.
- Concerns about the design and layout of internal communal spaces, these are generally considered acceptable.
- Recommends that the development should include a creche. I do not recommend this alteration as per the above assessment of childcare provision.

The planning authority recommends that the development be amended by condition as follows to address the above issues:

- Amend the shape of Block A by removing the 3-4 storey element closest to the boundary with Cul Cuille, to result in the loss of four no. units (one no. one-bed units and three no. three-bed units).
- Amend the shape of Block B to become broadly rectangular in shape by removing a five storey projecting element on the southern side of the block, to result in the loss of 14 no. units (nine no. one-bed units and five no. two-bed units). The indoor residential amenities in Block B are to be retained.
- Amend the shape of Block C to become broadly rectangular in shape by removing a five storey projecting element on the southern side of the block, to result in the loss of 10 no. units (five no. one-bed units and five no. three-bed units).
- Provision of additional open/amenity spaces in lieu of the omitted elements.
- The revised development would provide 109 no. units comprising 17 no. one-bed units (16%), 73 no. two-bed units (67%) and 19 no. three-bed units (17%). The overall residential density would be reduced to c. 131 units/ha.
- The amendments recommended by the planning authority would result in the omission of 19 no. dual aspect units, however the overall proportion of dual aspect units in the development would still be well above 50%.
- The recommended alterations would result in a reduced car parking requirement as per the car parking standards set out in development plan Table 12.5, such

that a total of c. 140 no. spaces, noting that the development provides 137 no. spaces.

- The southernmost communal facility in Block C shall be laid out as an apartment as per the floor above.
- Unit C0-03 shall be amalgamated with the communal facility to its northeast and laid out and constructed as a creche.
- The ground floor, basement and landscaping layout shall be redesigned such as there is:
 - No more than 150 sq.m. of indoor communal facilities. I do not concur with the recommendation as discussed above.
 - Cycle parking accessible at ground level (within building footprint or in covered locations) amounting to not less than 33% of the overall cycle parking within the scheme. As per the above assessment of proposed cycle parking, I consider that the issues raised by DLRCC Transportation Planning may be addressed by condition.
 - External storage at ground and/or basement level at a rate of not less than 2 sq.m. per unit. As per the above assessment of the quality of proposed residential accommodation, I consider that this issue may be addressed by condition.

10.14.3. While the recommendations of the planning authority are noted, having regard to the detailed assessment above, I consider that the development should be amended as follows rather than as recommended by the planning authority, due to the following considerations:

- I consider that the proposed six storey Blocks C and D will have an overbearing impact on properties to the east, given their relative proximity to site boundaries and with regard to the site topography. I therefore recommend the omission of the 5th floor of Blocks C and D such that the following units are omitted:
 - Apartment C5-01 (two-bed)
 - Apartment C5-02 (three-bed)
 - Apartment D5-01 (three-bed)
 - Apartment D5-02 (three-bed)

- I agree and concur with the concerns of the planning authority regarding the proximity of the northern site of Block A to Cul Cuille. I therefore recommend that omission of the four storey northern element of Block A closest to Cul Cuille such that the following units are omitted:
 - Apartment A0-02 (three-bed)
 - Apartment A1-03 (three-bed)
 - Apartment A2-03 (three-bed)
 - Apartment A3-01 (one-bed)
- As discussed above, I do not recommend that a creche is included within the development.
- I recommend conditions regarding cycle parking and external storage as detailed below.

10.14.4. These recommendations would involve a revised quantum of development, residential density and housing mix as follows:

- Total of 129 no. residential units
- Density of c. 156 units/ha
- Revised housing mix as follows:

Apartment Type	No. of Units	%
1-bed	31	24%
2-bed	77	60%
3-bed	21	16%
Total	129	

This revised housing mix is not in accordance with the detailed development plan requirements for housing mix as set out in Table 12.1. However, as per the above assessment of housing mix, with regard to the detailed wording of development plan section 12.3.3.1, the standards set out in Table 12.1 are to be generally complied with that the deviation from same is not considered to represent a material contravention of the development plan. The revised mix is consistent with SPPR 1 of the Apartment Guidelines.

- 10.14.5. All of the units recommended to be omitted are dual aspect. The recommended alterations would therefore result in a total of 87 no. dual aspect units or 67% of the revised scheme, which is consistent with the recommendations of the Apartment Guidelines for intermediate urban areas.
- 10.14.6. The recommended alterations would result in a revised car parking requirement of c. 163 no. spaces to meet development plan standards, noting that 137 no. spaces are provided. This represents a shortfall, which is considered acceptable in view of the submitted car parking rationale and mobility management measures as discussed above.
- 10.14.7. The recommended alterations may obviate the need for the proposed telecommunications infrastructure as they will reduce the overall height of the development.
- 10.14.8. The above alterations are therefore recommended to be required by condition as per the recommended Board Order set out below.

10.15. Planning Assessment Conclusion

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

11.0 Screening for Appropriate Assessment

11.1. AA Introduction

- 11.1.1. This assessment has had regard to the submitted AA document, prepared by Enviroguide Consulting and dated April 2022. I have had regard to the contents of same. The report concludes that the possibility of any significant effects on any European Sites arising from the proposed development are not likely to arise, whether considered on its own, or in combination with the effects of other plans or projects. This assessment is informed by the other environmental reports on file, including the Engineering Services Report and the EclA. I am satisfied that adequate information is provided in respect of the baseline conditions, potential impacts are clearly identified, and sound scientific information and knowledge was used.

11.2. The Project and Its Characteristics

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

11.3. The Development Site and Receiving Environment

- 11.3.1. See site description in section 2.0 above. The surrounding landscape is primarily urban in nature, however there is a woodland, Fitzsimon's Wood, which is a pNHA, approximately 90m west of the development site. There are no European designated sites within or immediately adjacent to the development. No Annex I habitats for which European Sites within 15 km have been designated were recorded within the development site or in the immediate vicinity. The desktop study and site surveys carried out by the applicant found no records of any species or habitats within the subject lands, their immediate environs, or 2 km from the subject lands, for which European sites within 15 km are designated. No species or habitats for which European sites within 15 km are designated for were recorded during the field surveys.
- 11.3.2. The development site is located primarily within the Ovoca-Vartry catchment and the Dargle sub-catchment, however the northwest area of the site falls within the Liffey and Dublin Bay catchment and the Dodder sub-catchment. The closest watercourse to the site is the Carrickmines Stream approximately 13m to the southeast, which flows into the Shanganagh River approximately 6.7km to the southeast and ultimately into Killiney Bay. The River Slang is located approximately 950m west of the site, and this watercourse flows into the River Dodder 4.6km northwest of the development site, and ultimately into Dublin Bay.

11.4. Stage I Appropriate Assessment

- 11.4.1. In determining the zone of influence, I have had regard to the nature and scale of the project, the distance from the development site to the European Sites, and any potential pathways which may exist from the development site to a European Site.
- 11.4.2. The project is not directly connected with or necessary to the management of a European Site and therefore it needs to be determined if the development is likely to have significant effects on a European site(s). There are no designated sites within or immediately adjacent to the development. The applicant's Stage I screening assessment identifies the following designated sites within c. 15km of the development:

Designated Site (Site Code)	Distance to Development	Qualifying Interests/ Conservation Objectives
Special Areas of Conservation		
Wicklow Mountains SAC (002122)	5 km	<p>The conservation objectives for the SAC relate to the maintenance of a favourable conservation condition of the following Annex I habitats and Annex II Species, as defined by specific attributes and targets:</p> <p>Oligotrophic waters containing very few minerals of sandy plains (<i>Littorelletalia uniflorae</i>) [3110]</p> <p>Natural dystrophic lakes and ponds [3160]</p> <p>Northern Atlantic wet heaths with <i>Erica tetralix</i> [4010]</p> <p>European dry heaths [4030]</p> <p>Alpine and Boreal heaths [4060]</p> <p>Calaminarian grasslands of the <i>Violetalia calaminariae</i> [6130]</p> <p>Species-rich <i>Nardus</i> grasslands, on siliceous substrates in mountain areas (and submountain areas, in Continental Europe) [6230]</p> <p>Blanket bogs (* if active bog) [7130]</p> <p>Siliceous scree of the montane to snow levels (<i>Androsacetalia alpinae</i> and <i>Galeopsietalia ladani</i>) [8110]</p> <p>Calcareous rocky slopes with chasmophytic vegetation [8210]</p> <p>Siliceous rocky slopes with chasmophytic vegetation [8220]</p> <p>Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles [91A0]</p> <p><i>Lutra lutra</i> (Otter) [1355]</p>

<p>South Dublin Bay SAC (000210)</p>	<p>5 km</p>	<p>The conservation objectives for the SAC relate to the maintenance of a favourable conservation condition of the following Annex I habitats, as defined by specific attributes and targets:</p> <p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Annual vegetation of drift lines [1210]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Embryonic shifting dunes [2110]</p>
<p>Knocksink Wood SAC (000725)</p>	<p>6.2 km</p>	<p>The conservation objectives for the SAC relate to the maintenance of a favourable conservation condition of the following Annex I habitats:</p> <p>Petrifying springs with tufa formation (Cratoneurion) [7220]</p> <p>Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, Alnion incanae, Salicion albae) [91E0]</p>
<p>Ballyman Glen SAC (000713)</p>	<p>7.8 km</p>	<p>The conservation objectives for the SAC relate to the maintenance of a favourable conservation condition of the following Annex I habitats:</p> <p>Petrifying springs with tufa formation (Cratoneurion) [7220]</p> <p>Alkaline fens [7230]</p>
<p>Glenasmole Valley SAC (001209)</p>	<p>8.9 km</p>	<p>The conservation objectives for the SAC relate to the maintenance of a favourable conservation condition of the following Annex I habitats:</p> <p>Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) [6210]</p> <p>Molinia meadows on calcareous, peaty or clayey-silt-laden soils (<i>Molinion caeruleae</i>) [6410]</p> <p>Petrifying springs with tufa formation (Cratoneurion) [7220]</p>

Rockabill to Dalkey Island SAC (003000)	9.2 km	<p>The conservation objectives for the SAC relate to the maintenance of a favourable conservation condition of the following Annex I habitat and Annex II species, as defined by specific attributes and targets:</p> <p>Reefs [1170]</p> <p>Phocoena (Harbour Porpoise) [1351]</p>
North Dublin Bay SAC (000206)	10 km	<p>The conservation objectives for the SAC relate to the maintenance of a favourable conservation condition of the following Annex I habitats and Annex II species, as defined by specific attributes and targets:</p> <p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Annual vegetation of drift lines [1210]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>) [1330]</p> <p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p> <p>Embryonic shifting dunes [2110]</p> <p>Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120]</p> <p>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p> <p>Humid dune slacks [2190]</p> <p><i>Petalophyllum ralfsii</i> (Petalwort) [1395]</p>
Bray Head SAC (000714)	12.2 km	<p>The conservation objectives for the SAC relate to the maintenance of a favourable conservation condition of condition of the following Annex I habitats:</p> <p>Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]</p>

		European dry heaths [4030]
Howth Head SAC (000202)	14.1 km	The conservation objectives for the SAC relate to the maintenance of a favourable conservation condition of the following Annex I habitats, as defined by specific attributes and targets: Vegetated sea cliffs of the Atlantic and Baltic coasts [1230] European dry heaths [4030]
Special Protection Areas		
South Dublin Bay and River Tolka Estuary SPA (004024)	5 km	The conservation objectives for the SPA relate to the maintenance of the bird species and Annex I habitat listed as Special Conservation Interests for the SPA, as defined by the specific attributes and targets: Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046] Oystercatcher (<i>Haematopus ostralegus</i>) [A130] Ringed Plover (<i>Charadrius hiaticula</i>) [A137] Grey Plover (<i>Pluvialis squatarola</i>) [A141] Knot (<i>Calidris canutus</i>) [A143] Sanderling (<i>Calidris alba</i>) [A144] Dunlin (<i>Calidris alpina</i>) [A149] Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157] Redshank (<i>Tringa totanus</i>) [A162] Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179] Roseate Tern (<i>Sterna dougallii</i>) [A192] Common Tern (<i>Sterna hirundo</i>) [A193] Arctic Tern (<i>Sterna paradisaea</i>) [A194] Wetland and Waterbirds [A999]

Wicklow Mountains SPA (004040)	5.1 km	The conservation objectives for the SPA relate to the maintenance of the bird species listed as Special Conservation Interests for the SPA: Merlin (<i>Falco columbarius</i>) [A098] Peregrine (<i>Falco peregrinus</i>) [A103]
Dalkey Islands SPA (004172)	8.9 km	The conservation objectives for the SPA relate to the maintenance of the bird species listed as Special Conservation Interests for the SPA: Roseate Tern (<i>Sterna dougallii</i>) [A192] Common Tern (<i>Sterna hirundo</i>) [A193] Arctic Tern (<i>Sterna paradisaea</i>) [A194]
North Bull Island SPA (004006)	c. 6.75 km	The conservation objectives for the SPA relate to the maintenance of the bird species and Annex I habitat listed as Special Conservation Interests for the SPA, as defined by the specific attributes and targets: Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046] Shelduck (<i>Tadorna tadorna</i>) [A048] Teal (<i>Anas crecca</i>) [A052] Pintail (<i>Anas acuta</i>) [A054] Shoveler (<i>Anas clypeata</i>) [A056] Oystercatcher (<i>Haematopus ostralegus</i>) [A130] Golden Plover (<i>Pluvialis apricaria</i>) [A140] Grey Plover (<i>Pluvialis squatarola</i>) [A141] Knot (<i>Calidris canutus</i>) [A143] Sanderling (<i>Calidris alba</i>) [A144] Dunlin (<i>Calidris alpina</i>) [A149] Black-tailed Godwit (<i>Limosa limosa</i>) [A156] Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157] Curlew (<i>Numenius arquata</i>) [A160] Redshank (<i>Tringa totanus</i>) [A162]

		Turnstone (<i>Arenaria interpres</i>) [A169] Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179] Wetland and Waterbirds [A999]
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11.4.16. I do not consider that any other European Sites fall within the zone of influence of the project, having regard to the distance from the development site to same, and the lack of an obvious pathway to same from the development site.

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

- Wicklow Mountains SAC (002122)
- Knocksink Wood SAC (000725)
- Ballyman Glen SAC (000713)
- Glenasmole Valley SAC (001209)
- Rockabill to Dalkey Island SAC (003000)
- Bray Head SAC (000714)
- Howth Head SAC (000202)
- Wicklow Mountains SPA (004040)
- Dalkey Islands SPA (004172)

11.5. Potential Effects on Designated Sites

11.5.1. Having regard to the potential zone of influence and to the submitted AA document, the following Natura 2000 sites are identified as lying within the potential zone of influence of the development due to potential indirect hydrological connections

between the development and the European Sites in Dublin Bay via the surface water sewer network and the foul sewer network:

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

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

- The nature and scale of the proposed development being a moderately sized residential development on serviced land.
- The development site is within normal foraging range of SCI species of the North Bull Island SPA and the South Dublin and River Tolka Estuary SPA. However, the habitats at the site are of limited suitability for foraging wetland birds as grasslands are enclosed by treelines, hedgerows, and building and artificial surfaces. Birds such as brent geese tend to favour open sites which are unenclosed by dense vegetation, which provides cover for their predators. In addition, the development site is highly disturbed by human and domestic animal activity. Habitats at the site are therefore not suitable for regularly occurring populations of wetland or wading birds which may be features of interest of the South Dublin Bay and River Tolka Estuary SPA. The development will not lead to any decrease in the range, timing, or intensity of use of any areas within any SPA by these QI bird species. The development will not lead to the loss of any wetland habitat area within either SPA. No ex-situ impacts can occur.
- The development cannot increase disturbance effects to birds in Dublin Bay given its distance from these sensitive areas. There are no sources of light or noise over and above that this is already experienced in this built-up, urbanised location.

- The development site does not support populations of any other fauna species linked with the QI/SCI populations of any European site(s).
- Surface water run-off and discharges from the development will drain to the existing local surface water drainage network.
- Foul waters from the development will ultimately be discharged to Ringsend WWTP for treatment, via the existing foul water drainage network, prior to discharge into the Liffey Estuary/Dublin Bay.
- The EclA, the Engineering Services Report and the Outline Construction Management Plan detail standard construction management measures to control the possibility of potential pollutants exiting the site during construction and operation (in respect of SuDs), including surface water management, material storage, waste management and other environmental management measures. These works/measures are a standard approach for construction works in an urban area and it should be noted that their implementation would be necessary for a residential development on any site in order to protect the surrounding environs regardless of proximity or connections to any European Site or any intention to protect a European Site. I am satisfied that the measures outlined are typical and well proven construction methods and would be expected by any competent developer whether or not they were explicitly required by the terms and conditions of a planning permission.
- I also consider that, even if the aforementioned best practice construction management measures were not in place, the possibility of significant effects on designated sites is unlikely given the nature and scale of the development, the intervening distance between the development and the designated sites and the resultant dilution factor with regard to the conservation objectives of the relevant designated sites and habitats and species involved. Surface water discharges would have to travel over 11 km along the River Slang and River Dodder watercourses before reaching the River Liffey and discharging into Dublin Bay. I therefore do not include these measures as 'mitigation measures' for the purposes of protecting Natura sites.
- The development will be served by a public wastewater sewer. Therefore, there is a weak/indirect/interrupted hydrological link between the Site and South Dublin

Bay SAC, North Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA and North Bull Island SPA via discharges from Ringsend WWTP during the operational phase. The potential for foul waters generated at the development site to reach European sites within Dublin Bay and cause significant effects, during the construction and operational phases, is negligible due to:

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

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

11.6. In Combination Effects

- 11.6.1. 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 covering the location of the application site which is zoned for residential development under the 'A' zoning objective. This plan has been subject to AA by the planning authority, which concluded that its implementation would not result in significant adverse effects to the integrity of any Natura 2000 areas. In addition, the Dun Laoghaire-Rathdown Biodiversity Plan 2009 – 2013 is set out to protect and improve biodiversity, and as such will not result in negative in-combination effects with the proposed development. I note also the development is on serviced lands in an urban area and does not constitute a significant urban development in the context of the city. As such the proposal will not generate significant demands on the existing municipal sewers for foul water and surface water. While this project will marginally add to the loadings to the municipal sewer, evidence shows that negative effects to Natura 2000 sites are not arising. Furthermore, I note upgrade works have commenced on the Ringsend Wastewater Treatment works extension permitted under ABP – PL.29N.YA0010 and the facility is currently operating under EPA licencing which was subject to AA Screening. Similarly, I note that the planning authority raised no AA concerns in relation to the proposed development.
- 11.6.2. The development is not associated with any significant loss of semi-natural habitat or pollution which could act in a cumulative manner to result in significant negative effects to any SAC or SPA. There are no projects which can act in combination with the development which can give rise to significant effect to Natura areas within the zone of influence.

11.7. AA Conclusion and Screening Determination

- 11.7.1. In conclusion, therefore, having regard to the nature and scale of the proposed development on serviced lands, the nature of the receiving environment which comprises a built-up urban area, the distances to the nearest European sites, and the hydrological pathway considerations outlined above, it is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in

combination with other plans or projects would not be likely to have a significant effect on any European sites, in view of the sites' Conservation Objectives, and a Stage 2 Appropriate Assessment is not therefore required.

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

12.0 Screening for Environmental Impact Assessment

12.1. The applicant has addressed the issue of Environmental Impact Assessment (EIA) in the submitted EIA Screening Report, and I have had regard to same in this screening assessment. The information provided is in accordance with Schedule 7 and 7A of the Planning and Development Regulations 2001. Section 3.8 of the EIA Screening Report, identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment.

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

- Construction of more than 500 dwelling units
- Urban Development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.
- Any project listed in this Part which does not exceed a quantity, area or other limit specified in this Part in respect of the relevant class of development but which would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7.

It is proposed to construct 137 no. residential units on a site with a stated area of c. 0.829 ha. The site is located in the urban area (other parts of a built up area). The site is, therefore, below the applicable threshold of 10ha. Having regard to the relatively limited size and the location of the development, and by reference to the classes outlined above, a mandatory EIA is not required. I would note that the development would not give rise to significant use of natural resources, production of

waste, pollution, nuisance, or a risk of accidents. The site is not subject to a nature conservation designation. The proposed development would use the public water and drainage services of Irish Water and Dun Laoghaire Rathdown County Council, upon which its effects would be marginal. An Appropriate Assessment Screening Report was submitted with the application which note that the proposed development individually or in combination with other plans and projects would not adversely affect the integrity of the European Sites can be excluded and that associated environmental impacts on these sites, by reason of loss of protected habitats and species, can, therefore, be ruled out.

- 12.3. As discussed above, the report on file of the DLRCC Ecologist recommends a further information request for several issues including an updated EclA to consider operational impacts on Fitzsimon's Wood pNHA, as the development will increase existing operational impacts on the pNHA associated with current recreational pressures; issues relating to further details of tree and hedgerow loss at the site and related mitigation measures including the proposed planting scheme; details of planting of pollinator-friendly flora to the satisfaction of the Ecologist; updated bat mitigation measures including a bat emergence survey prior to demolition, details of installation of bat boxes, construction and operational lighting plan; habitat management plan and updated CEMP to include the recommended additional migration measures. As per the above assessment, I am satisfied that the above issues can be addressed by conditions requiring further details of mitigation measures, to the satisfaction of the planning authority.
- 12.4. Section 299B(1)(b)(ii)(II)(A) of the regulations states that the Board shall satisfy itself that the applicant has provided the information specified in Schedule 7A. The criteria set out in schedule 7A of the regulations are relevant to the question as to whether the proposed sub-threshold development would be likely to have significant effects on the environment that could and should be the subject of environmental impact assessment. Section 3.8 of the EIA Screening Report directly addresses the criteria set out in Schedule 7 and 7A. It is my view that sufficient information has been provided within the report to determine whether the development would or would not be likely to have a significant effect on the environment.
- 12.5. Section 299B(1)(b)(ii)(II)(B) states that the Board shall satisfy itself that the applicant has provided any other relevant information on the characteristics of the proposed

development and its likely significant effects on the environment. The various reports submitted with the application address a variety of environmental issues and assess the impact of the proposed development, in addition to cumulative impacts with regard to other permitted developments in proximity to the site, and demonstrate that, subject to the various construction and design related mitigation measures recommended, the proposed development will not have a significant impact on the environment. I have had regard to the characteristics of the site, location of the proposed development, and types and characteristics of potential impacts and all other submissions. I have also considered all information which accompanied the application including inter alia:

- Planning Statement and Statement of Consistency
- Architectural Design Statement
- Screening Report for Appropriate Assessment
- Ecological Impact Assessment
- Bat Assessment Report
- Engineering Services Report including Flood Risk Assessment
- Arboricultural Report
- Landscape and Visual Impact Assessment
- Transport Assessment and proposed Mobility Management Plan
- Construction and Demolition Waste Management Plan
- Outline Construction and Environmental Management Plan
- Operational Waste Management Plan
- Resource and Waste Management Plan
- Sustainability Report

12.6. The applicant has also submitted a standalone statement in accordance with the requirements of Section 299B(1)(b)(ii)(II)(C), whereby the applicant is required to provide to the Board a statement indicating how the available results of other relevant assessments of the effects on the environment carried out pursuant to

European Union legislation other than the Environmental Impact Assessment Directive have been taken into account. The following points of same are noted:

- The AA Screening Report, EclA, Arboricultural Report and LVIA address Directive 92/43/EEC, The Habitats Directive;
- The AA Screening Report, EclA, Flood Risk Assessment Report and Engineering Services Report address Directive 2000/60/EC, EU Water Framework Directive;
- The EclA and Planning Report address Directive 2001/42/EC, SEA Directive;
- The Construction and Environmental Management Plan addresses Directive 2002/49/EC, Environmental Noise Directive;
- The Construction and Environmental Management Plan and Transport Assessment address 5 Directive 2008/50/EC on ambient air quality and cleaner air for Europe;
- The Flood Risk Assessment addresses Directive 2007/60/EC on the assessment and management of flood risks;
- The EclA addresses other relevant European legislation including the Bern and Bonn Convention and the Ramsar Convention;
- The Resource and Waste Management Plan and the Operational Waste Management Plan address Directive (EU) 2018/850 on the landfill of waste and Directive 2008/98/EC on waste and repealing certain Directives;
- The Construction and Environmental Management Plan addresses Directive 2000/14/EC on noise emission in the environment by equipment for use outdoors;
- The Sustainability Report addresses Directive 2012/27/EU on energy efficiency, Regulation (EU) 2018/842 on binding annual greenhouse gas emission reductions by Member States from 2021 to 2030 contributing to climate action to meet commitments under the Paris Agreement and amending Regulation (EU) No 525/2013 and Directive (EU) 2018/2001 on the promotion of the use of energy from renewable sources.

12.7. I have completed an EIA screening determination as set out in Appendix A of this report. I consider that the location of the proposed development and the

environmental sensitivity of the geographical area would not justify a conclusion that it would be likely to have significant effects on the environment. The proposed development does not have the potential to have effects the impact of which would be rendered significant by its extent, magnitude, complexity, probability, duration, frequency, or reversibility. In these circumstances, the application of the criteria in Schedule 7 and 7A, to the proposed sub-threshold development, demonstrates that it would not be likely to have significant effects on the environment and that an environmental impact assessment is not required before a grant of permission is considered. This conclusion is consistent with the information provided in the applicant's report, noting in particular my above conclusion that I accept and agree with the findings of the EclA that the development will not have any specific effect on local bat and bird populations, especially after the proposed mitigation measures. It is noted that third parties and the planning authority raised no concerns regarding EIA or the cumulative impact of residential development in the wider area.

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

13.0 **Recommendation**

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

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

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

14.0 Recommended Order

Planning and Development Acts 2000 to 2023

Planning Authority: Dun Laoghaire Rathdown County Council

Application for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, as amended, in accordance with plans and particulars, lodged with An Bord Pleanála on the 28th day of April 2022 by Midsal Homes Limited, 27 Carman's Hall, Francis Street, Dublin 8.

Proposed Development comprises of the following:

Demolition of dwellings known as 'Glenina' and 'Karuna'. Construction of 137 number apartments and associated site works at Sandyford Road, Dublin 18.

The development comprises:

- Demolition of the existing dwelling and ancillary buildings known as 'Glenina', the existing dwelling known as 'Karuna' and the existing boundary wall fronting Sandyford Road.
- Construction of a residential development principally comprising 137 number apartments (32 number one-bed units, 78 number two-bed units and 27 number three-bed units) in four number blocks ranging in height from one to six storeys with a part-basement/part-undercroft level (at Blocks B, C and D).
- The proposed development which has a gross floor space of 13,144 square metres (over a part-basement/part-undercroft level measuring 4,508 square metres, principally providing car and cycle parking and plant) also includes: internal communal amenities and support facilities (404 square metres); 137 number car parking spaces, which include 127 number spaces and six number car club spaces located at basement level (accessed beneath Block B) and four number set down spaces located at surface level adjacent to Block A; motorcycle

parking spaces; cycle parking spaces; private open space to apartments in the form of terraces and balconies and gardens and communal open spaces.

- New telecommunications infrastructure at rooftop level including microwave link dishes concealed in shrouds.
- The development includes the provision of a new pedestrian/cycle/vehicular access to the site from Sandyford Road and a new pedestrian connection to Cul Cuille at the northern site boundary and a new vehicular access ramp to basement/undercroft level.
- All associated plant, drainage arrangements, works to facilitate utility connections, substation, boundary treatment, landscaping, public lighting, refuse storage, construction compounds and site development works.

Decision

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

Matters Considered

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

Reasons and Considerations

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

- (a) The location of the site in the established urban area of Dun Laoghaire Rathdown in an area subject to the 'A' zoning objective 'To provide residential development

and improve residential amenity while protecting the existing residential amenities’;

- (b) The policies and objectives of the Dun Laoghaire Rathdown County Development Plan 2022-2028;
- (c) The Rebuilding Ireland Action Plan for Housing and Homelessness 2016;
- (d) The Housing for All, A New Housing Plan for Ireland issued by the Department of Housing, Local Government and Heritage September 2021;
- (e) The nature, scale and design of the proposed development which is consistent with the provisions of the Dun Laoghaire Rathdown County Development Plan 2022-2028 and appendices contained therein;
- (f) Project Ireland 2040 National Planning Framework;
- (g) The Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, and the accompanying Urban Design Manual – A Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009;
- (h) The Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, issued by the Department of the Housing and Planning and Local Government, December 2020 and as updated in 2022;
- (i) The Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2013 (and Interim Advice note Covid 19 May 2020);
- (j) The Urban Development and Building Heights Guidelines for Planning Authorities, prepared by the Department of Housing, Planning and Local Government in December 2018;
- (k) The nature, scale and design of the proposed development and the availability in the area of a wide range of social, transport and water services infrastructure;
- (l) The planning history of the site and within the area;
- (m) The pattern of existing and permitted development in the area;
- (n) The Chief Executive’s Report from the planning authority;

- (o) The submissions and observations received, and
- (p) The report and recommendation of the Inspector.

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

Appropriate Assessment Screening

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

Environmental Impact Assessment Screening

The Board completed an environmental impact assessment screening of the proposed development and considered that the Environmental Impact Assessment Screening Report submitted by the applicant, which contains the information set out

Schedule 7A to the Planning and Development Regulations 2001 (as amended), identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment.

Having regard to:

- The nature and scale of the proposed development, which is below the threshold in respect of Class 10(b)(iv) and Class 13 of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended;
- Class 14 of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended;
- The location of the site on lands governed by zoning objective 'A' 'To provide residential development and improve residential amenity while protecting the existing residential amenities.', under the Dun Laoghaire Rathdown County Development Plan 2022-2028 , and the results of the strategic environmental assessment of the Dun Laoghaire Rathdown County Development Plan undertaken in accordance with the SEA Directive (2001/42/EC);
- The existing use on the site and pattern of development in surrounding area;
- The planning history relating to the site;
- The availability of mains water and wastewater services to serve the proposed development;
- The location of the development outside of any sensitive location specified in article 299(C)(1)(v) of the Planning and Development Regulations 2001 (as amended);
- The guidance set out in the "Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development", issued by the Department of the Environment, Heritage and Local Government (2003);
- The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended), and
- The features and measures proposed by applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the Construction and Demolition Management Plan.

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

Conclusions on Proper Planning and Sustainable Development

The Board considered that the development was compliant with the Dun Laoghaire-Rathdown County Development Plan 2022 - 2028 which is the statutory plan for the area. It is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be consistent with national and local planning policy and would be acceptable in terms in terms of urban design, height and quantum of development and of pedestrian and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

15.0 Conditions

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

Reason: In the interest of clarity.

3. The proposed development shall be amended as follows:
 - The fifth floor of Blocks C and D shall be omitted such that the following units are omitted: Apartment C5-01; Apartment C5-02; Apartment D5-01; Apartment D5-02.
 - The four storey northern element of Block A shall be omitted such that the following units are omitted: Apartment A0-02; Apartment A1-03; Apartment A2-03; Apartment A3-01.
 - External storage shall be provided at ground and/or basement level at a rate of not less than 2 square metres per unit.

The amended development therefore will provide a total of 129 number apartments. Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of residential and visual amenities.

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

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

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

Reason: In the interest of visual amenity.

4. Final details of all proposed site boundary treatments and details of tree protection measures for trees at adjoining sites shall be agreed in writing with the planning authority prior to the commencement of development.

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

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

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

6. The management and maintenance of the proposed development following its completion (save for areas that are to be taken in charge) shall be the

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

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

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

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

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

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

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

Reason: In the interests of amenity and public safety.

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

Reason: In the interests of visual and residential amenity.

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

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

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

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

14. 340 number bicycle parking spaces shall be provided within the site. Full details of the layout, marking demarcation and security provisions for these spaces shall be agreed in writing with Dun Laoghaire Rathdown County Council Transportation Planning prior to commencement of development.

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

15. A minimum of 10% of all car parking spaces shall be provided with functioning electric vehicle charging stations/points, and ducting shall be provided for all remaining car parking spaces, facilitating the installation of electric vehicle charging points/stations at a later date. Where proposals relating to the

installation of electric vehicle ducting and charging stations/points have not been submitted with the application, in accordance with the above noted requirements, such proposals shall be submitted and agreed in writing with the planning authority prior to the occupation of the development.

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

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

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

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

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

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

Reason: In the interest of public health.

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

Reason: In the interest of sustainable waste management.

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

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

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

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

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

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

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

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

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

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

24. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed

between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

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

25. The developer shall pay to the planning authority a financial contribution as a special contribution under section 48(2)(c) of the Planning and Development Act 2000 in respect of upgrading of public open space at Fitzsimons Wood to include upgrading of pavement and boundary access, woodland restoration and perennial planting in agreement with Dun Laoghaire Rathdown County Council Parks Department. The amount of the contribution shall be agreed between the planning authority, and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála for determination. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office.

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

26. The developer shall pay to the planning authority a financial contribution in respect of the extension of Luas Line B1 – Sandyford to Cherrywood in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the

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

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

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

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

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

Sarah Moran
Senior Planning Inspector
15th May 2023

Appendix 1

EIA – Screening Determination for Strategic Housing Development Application

A. CASE DETAILS

An Bord Pleanála Case Reference		ABP-314446-22
Development Summary		Construction of 137 no. residential units
	Yes / No / N/A	
1. Has an AA screening report or NIS been submitted?	Yes	A Stage 1 AA Screening Report was submitted with the application
2. Is an IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?	No	No
3. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA	Yes	<ul style="list-style-type: none">• Appropriate Assessment Screening Report and Ecological Impact Assessment which had regard to the Habitats Directive (92/43/EEC), the Birds Directive (2009/147/EC)• The Site-Specific Flood Risk Assessment (FRA) which had regard to the Dun Laoghaire Rathdown County Development Plan 2022-2028 which undertook a Strategic Flood Risk Assessment (FRA).<ul style="list-style-type: none">• The Outline Construction and Environmental Management Plan has regard to the Integrated Pollution

		<p>Prevention and Control Directive (1996/61/EC) and the Waste Framework Directive (2008/98/EC).</p> <ul style="list-style-type: none"> • The Construction and Demolition Waste Management Plan has regard to the Waste Framework Directive (2008/98/EC). • The Strategic Environmental Assessment (SEA) for the Dun Laoghaire Rathdown County Development Plan 2022 – 2028
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B. EXAMINATION	Yes/ No/ Uncertain	Briefly describe the nature and extent and Mitigation Measures (where relevant) (having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact) Mitigation measures –Where relevant specify features or measures proposed by the applicant to avoid or prevent a significant effect.	Is this likely to result in significant effects on the environment? Yes/ No/ Uncertain
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1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)			
1.1 Is the project significantly different in character or scale to the existing surrounding or environment?	No	The development comprises the construction of residential units on lands zoned for residential development, on which a creche is permissible. The nature and scale of the proposed development is not regarded as being significantly at odds with the surrounding pattern of development.	No
1.2 Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?	Yes	The proposed development is located on a greenfield site within the emerging urban area of Sandyford. The proposed scheme would not result in any physical changes to the locality. Any works would be minor in nature.	No
1.3 Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?	Yes	Construction materials will be typical of such urban development. The development of this urban site would not result in any significant loss of natural resources or local biodiversity.	No

<p>1.4 Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?</p>	<p>Yes</p>	<p>Construction activities will require the use of potentially harmful materials, such as fuels and other such substances. Such use will be typical of construction sites. Any impacts would be local and temporary in nature and implementation of a Construction Management Plan will satisfactorily mitigate potential impacts. No operational impacts in this regard are anticipated.</p>	<p>No</p>
<p>1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?</p>	<p>Yes</p>	<p>No significant risk identified.</p> <p>Operation of a Construction Management Plan will satisfactorily mitigate emissions from spillages during construction. The operational development will connect to mains services. Surface water drainage will be separate to foul services. No significant emissions during operation are anticipated.</p>	<p>No</p>
<p>1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?</p>	<p>No</p>	<p>No significant risk identified.</p> <p>Operation of a Construction Management Plan will satisfactorily mitigate emissions from spillages during construction. The operational development will connect to mains services. Surface water drainage will be separate to foul services. No significant emissions during operation are anticipated.</p>	<p>No</p>

<p>1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?</p>	<p>Yes</p>	<p>Potential for construction activity to give rise to noise and vibration emissions. Such emissions will be localised, short term in nature and their impacts may be suitably mitigated by the operation of a Construction Management Plan.</p> <p>Management of the scheme in accordance with an agreed Management Plan will mitigate potential operational impacts.</p>	<p>No</p>
<p>1.8 Will there be any risks to human health, for example due to water contamination or air pollution?</p>	<p>No</p>	<p>Construction activity is likely to give rise to dust emissions. Such construction impacts would be temporary and localised in nature and the application of a Construction Management Plan would satisfactorily address potential impacts on human health.</p> <p>No significant operational impacts are anticipated.</p>	<p>No</p>
<p>1.9 Will there be any risk of major accidents that could affect human health or the environment?</p>	<p>No</p>	<p>No significant risk having regard to the nature and scale of development. Any risk arising from construction will be localised and temporary in nature.</p> <p>There are no Seveso / COMAH sites in the vicinity of this location.</p>	<p>No</p>

1.10 Will the project affect the social environment (population, employment)	Yes	The development of this site as proposed will result in a change of use and an increased population at this location. This is not regarded as significant given the emerging urban location of the site and surrounding pattern of land uses in Sandyford.	No
1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?	No	This is a stand-alone development, comprising the development of a site and is not part of a wider large scale change. Other developments in the wider area are not considered to give rise to significant cumulative effects.	No
2. Location of proposed development			
2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following: <ol style="list-style-type: none"> 1. European site (SAC/ SPA/ pSAC/ pSPA) 2. NHA/ pNHA 3. Designated Nature Reserve 4. Designated refuge for flora or fauna 	No	No European sites located on the site. An AA Screening Assessment accompanied the application which concluded the development would not be likely to give rise to significant effects on any European Sites. This site does not host any species of conservation interest.	No

<p>5. Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan</p>			
<p>2.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be affected by the project?</p>	<p>No</p>	<p>No such species use the site and no impacts on such species are anticipated.</p>	<p>No</p>
<p>2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?</p>	<p>No</p>	<p>No such features arise in this location</p>	<p>No</p>
<p>2.4 Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?</p>	<p>No</p>	<p>No such features arise in this location.</p>	<p>No</p>

<p>2.5 Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?</p>	<p>No</p>	<p>No such features identified at this site.</p> <p>The development will implement SUDS measures including underground attenuation of surface water, to control run-off.</p>	<p>No</p>
<p>2.6 Is the location susceptible to subsidence, landslides or erosion?</p>	<p>No</p>	<p>No risks are identified in this regard.</p>	<p>No</p>
<p>2.7 Are there any key transport routes(eg National Primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?</p>	<p>No</p>	<p>The site is served by a local road network. 137 no. car parking spaces are proposed on the site. No significant contribution to such congestion is anticipated.</p>	<p>No</p>
<p>2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?</p>	<p>Yes</p>	<p>No. The development would not be likely to generate additional demands on educational facilities in the area with regard to the submitted Social Infrastructure Assessment.</p>	<p>No</p>

3. Any other factors that should be considered which could lead to environmental impacts			
3.1 Cumulative Effects: Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?	No	No developments have been identified in the vicinity which would give rise to significant cumulative environmental effects. Some cumulative traffic impacts may arise during construction. This would be subject to a construction traffic management plan.	No
3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?	No	No trans boundary considerations arise	No
3.3 Are there any other relevant considerations?	No	No	No
C. CONCLUSION			
No real likelihood of significant effects on the environment.	Yes	EIAR Not Required	EIAR Not Required
Real likelihood of significant effects on the environment.	No		
D. MAIN REASONS AND CONSIDERATIONS			

Having regard to: -

- the nature and scale of the proposed development, which is below the threshold in respect of Class 10(b) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
- the location of the site on lands Zoned 'A' with a stated objective to provide residential development and improve residential amenity while protecting existing residential amenities under the Dun Laoghaire Rathdown County Development Pan 2022-2028. The development plan was subject to a strategic environmental assessment in accordance with the SEA Directive (2001/42/EEC).
- The location of the site within the emerging urban area of Sandyford, which is served by public infrastructure, and the existing pattern of development in the area.
- The guidance set out in the "Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development", issued by the Department of the Environment, Heritage and Local Government (2003),
- the location of the development outside of any sensitive location specified in article 299(C)(1)(v) of the Planning and Development Regulations 2001 (as amended)
- The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended), and
- The features and measures proposed by the applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the Construction and Demolition Waste Management Plan, the Outline Construction and Environmental Management Plan, the Operational Waste Management Plan, the Resource and Waste Management Plan, the Engineering Services Report including Flood Risk Assessment, Appropriate Assessment Screening and Ecological Impact Assessment.

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

Inspector: Sarah Moran

Date: 15th May 2023