



An  
Coimisiún  
Pleanála

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

### **Inspector's Report ABP-313777-22**

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#### **Strategic Housing Development**

Demolition of existing buildings on site, construction of 100 no. apartments, creche and associated site works.

#### **Location**

Lands at No.2 Firhouse Road, and the former 'Mortons, The Firhouse Inn', Firhouse Road, Dublin 24.

#### **Planning Authority**

South Dublin County Council

#### **Applicant**

Bluemont Developments (Firhouse) Limited

#### **Prescribed Bodies**

1. Transport Infrastructure Ireland
2. Irish Water
3. Inland Fisheries Ireland
4. Department of Housing, Local Government, and Heritage (DAU)

**Observer(s)**

1. Alan Edge
2. Ann Walker
3. Bernadette Wyer
4. Claire Groarke
5. Deirdre Wyer & Others
6. Fiona O'Toole
7. Helene Carter & Gerry Morris
8. Mount Carmel Park Residents Association
9. Nuala Canavan
10. Susan O'Grady
11. Teresa Cambell
12. Zita Robinson

**Date of Site Inspection**

25<sup>th</sup> April 2025 & 14<sup>th</sup> August 2025

**Inspector**

Stephen Ward

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## 1.0 Introduction

This is an assessment of a proposed strategic housing development submitted to the Board under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016. The application includes the construction of 100 no. apartments and a stated gross floor space of residential accommodation of 7,852m<sup>2</sup>. It has a stated gross floor space of non-residential development of 355m<sup>2</sup>. The non-residential floor space would not exceed 15% of the cumulative gross floor area; would not exceed 4,500m<sup>2</sup>; and would not exceed 15m<sup>2</sup> for each house. The application is on land zoned for a mixture of residential and other uses. On this basis, I am satisfied that the proposed development comes within the definition of 'Strategic Housing Development' as set out in Section 3 of the Act and that the application has been made in accordance with legislative requirements.

## 2.0 Site Location and Description

- 2.1. The site is located to the northwest of the Firhouse Road / Ballycullen Road junction, c. 150 metres outside (west of) the M50 motorway. The River Dodder Valley Park runs in a southwest – northeast direction to the rear (north) of the site. The site was previously developed to include the former 'Morton's, Firhouse Inn' public house and adjoining off-licence; a vacant cottage; a betting office/barber shop; and a number of associated dilapidated structures. However, the public house, off-licence, and cottage have recently been demolished, and this part of the site was fenced off and being excavated at the time of inspection. The other commercial buildings at the western end of the site still remained at the time of my latest inspection (14<sup>th</sup> August 2025).
- 2.2. The site is generally flat and triangular in shape. The southwestern commercial corner of the site is open onto the adjoining Firhouse Road and includes a vehicular entrance. The south-eastern and eastern boundaries consist of construction hoarding, while the northwestern boundary consists of a mixture of stone and block walls. A former vehicular access off Mount Carmel Park (to the east) is now closed by the temporary construction hoarding. There are existing bus stops along Firhouse Road to the southwest of the site.

- 2.3. The site is bounded to the northwest by a mature row of trees and playing pitches which are being developed, while further to the north and west the Dodder Valley Park includes an extensive arrangement of formal and passive recreational space. To the south of the site is Firhouse Road and an adjoining residential area (Sally Park) consisting mainly of low-density 2-storey housing & Nursing Home. To the east of the site is Mount Carmel Park, which is also a small 2-storey residential development.
- 2.4. The wider surrounding area is primarily characterised by established residential housing estates and public/private open spaces with some local shops and services. Notable nearby facilities include the Firhouse Shopping Centre located approximately 800 metres to the southwest and the Knocklyon Shopping centre located approximately 1km to the southeast.

### **3.0 Proposed Strategic Housing Development**

- 3.1. In summary, the proposed development comprises:

Demolition of all existing structures on site (c. 1,326 sq m), including:

- 2-storey building formally used as public house, ancillary off-licence and associated structures (c. 972 sq m)
- 2-storey building comprising an existing barber shop and betting office (c. 260m<sup>2</sup>)
- Single storey cottage building and associated structures (c. 94 sq m); and
- Eastern boundary wall and gated entrance from Mount Carmel Park.

Development with a total gross floor area of c. 11,638 sq m, consisting of 100 no. residential units arranged in 2 blocks (Blocks 01 and 02) ranging between 3 and 5 storeys in height, over lower ground floor and basement levels, comprising:

- 96 no. apartments (consisting of 2 no. studio units; 45 no. one bedroom units; 10 no. two bedroom (3 person) units; 34 no. two bedroom (4 person) units; and 5 no. three bedroom units);
- 4 no. duplex apartments (consisting of 2 no. one bedroom units and 2 no. two bedroom units (4 person) located within Block 01.

The development of non-residential uses (c. 355 sq m), including:

- Café (c. 58 sq m) and office (c. 30 sq m) located at ground floor level of Block 01;
- Medical unit (c.59 sq m) and betting office (c.66 sq m) at ground floor (Block 02);
- Barber shop (c. 28 sq m) at ground floor level between Blocks 01 and 02; and
- Crèche (c. 114 sq m) at lower ground level of Block 01.

3.2. Vehicular access is proposed via the existing access off Firhouse Road, together with associated alterations and new pedestrian infrastructure. The development will also include public open space and related play areas; roads and landscaping; basement car parking (80 no. spaces in total); motorcycle parking; electric vehicle charging points; bicycle parking; infrastructural services and connections and alterations to existing public services; and all ancillary site development works.

3.3. The following table sets out some of the key elements of the proposed scheme as stated by the applicant:

**Table 1 – Key Figures of the Proposed Development**

<b>Site Area</b>	0.46 ha		
<b>Gross Floor Area</b>	11,638 sqm		
<b>Residential Units</b>  <b>Total - 100</b>		Apartments	Duplex
	Studio	2	
	1-bed	45	2
	2-bed (3-person)	10	
	2-bed (4-person)	34	2
	3-bed	5	
	Total	96	4
<b>Density</b>	217 uph (Gross)		
<b>Plot Ratio</b>	1.5:1		
<b>Site Coverage</b>	44%		
<b>Height</b>	3 – 5 storeys (over lower ground floor and basement levels)		
<b>Dual Aspect</b>	50%		
<b>Communal Open Space</b>	940.4 sq.m.		

<b>Public Open Space</b>	1,347 sq.m. (29% of total site area)	
<b>Car Parking</b>	Residential	63
	Non-residential	17
<b>Bicycle Parking</b>	Residential	156 (long term) 50 (short stay)
	Non-Residential	20 (long term) 44 (short stay)
<b>Motorcycle Parking</b>	Residential	5
	Non-Residential	3
<b>Non-residential Uses (355 s.q.m.)</b>	Cafe	58 sqm
	Office	30 sqm
	Medical Unit	59 sqm
	Betting Office	66 sqm
	Barber shop	28 sqm
	Creche	114 sqm
<b>Part V</b>	20 units (20%)	

3.4. In addition to the standard drawings and documentation requirements, the application was accompanied by a range of reports and documentation including:

- Planning Report
- Statement of Consistency
- Material Contravention Statement
- Response to ABP and SDCC Opinions
- Part V Proposal Report
- Community & Social Infrastructure Audit
- Environmental Impact Assessment Screening Report
- Article 299B Statement

- Architectural Design Statement & Statement of Response
- Daylight and Sunlight Assessment
- Building Lifecycle Report
- Arboricultural Report
- Ecological Impact Assessment Report
- Invasive Species Survey Report
- Bird Survey Report
- Bat Survey
- Screening for Appropriate Assessment
- Mechanical & Electrical – Site Services and Design report
- Proposed Site Lighting Layout and Report
- Landscape Architecture Design Rationale & Statement of Response
- Landscaping – Maintenance, management, and specifications
- Energy and Sustainability Report
- Construction and Environmental Management Plan
- Construction Waste Management Plan
- Operational Waste Management Plan
- Preliminary Environmental Site Assessment
- Traffic & Transport Assessment
- Heritage Impact Assessment
- Unit Mix Review and Justification Report
- Noise Assessment
- Visual Impact Assessment & Verified Photomontages
- Archaeological Impact Assessment and Method Statement
- Water Services Report.



## 4.0 Planning History

### Application Site

**ABP Ref. 319568-24 (P.A. Reg. Ref. LRD24A/0001):** On 26<sup>th</sup> July 2024, the Board made a decision to grant permission after third-party appeals against the SDCC decision to grant this LRD application. The development was generally consistent with the current application, including 100 no. residential units within 2 no. blocks ranging in height from 3-5 storeys (over lower ground floor and basement level); café; office; creche; barbershop; bookmaker; and medical consultancy.

As per conditions 2 and 3 of the Board's decision, the development permitted was reduced to 78 dwellings. At the time of my site inspection, some demolition works had been completed on the eastern part of the site and some preliminary basement excavation works were taking place.

### Other sites

**P.A. Reg. Ref SD20A/0140:** On the adjoining lands to the northwest permission was granted (20<sup>th</sup> July 2021) for the construction of 2 grass playing pitches.

There have been other recent applications for the provision of flood-lighting and practice walls associated with the playing pitches.

**ABP Ref. PL06S.246101 (P.A. Ref. SD15A/0336):** On the adjoining lands to the northwest, the Board refused permission for 72 no. dwelling units on the basis of *inter alia* excessive apartments and impacts on the residential amenity of existing and proposed properties.

**P.A. Reg. Ref: SD188/0002:** On land to the southeast (opposite side of Firhouse Road) a Part 8 application was granted for a Rapid Build Social Housing Development consisting of 16 housing units.

## 5.0 Section 5 Pre-Application Consultation

### 5.1. Pre-Application Consultation ABP-311459-21

5.1.1. Section 5 pre-application consultation took place remotely on the 24<sup>th</sup> of January 2021. The consultation related to a proposal for 103 no. residential units over ground floor commercial units. Representatives of the prospective applicant, South Dublin County Council, and An Bord Pleanála were in attendance.

5.1.2. Following consideration of the issues raised during the consultation process and having regard to the opinion of the planning authority, An Bord Pleanála was of the opinion that the documentation submitted required further consideration and amendment to constitute a reasonable basis for an application for strategic housing development. In summary, the applicant was advised that the following issues need to be addressed in the documents submitted that could result in them constituting a reasonable basis for an application.

1. Development Strategy: Further justification in light of the 'LC' zoning objective which would envisage a greater degree of mixed use.
2. Architectural Design Approach: Further justification for the height strategy and integration/transition with the surrounding area.
3. Landscaping, Materials, Character: Further consideration/justification of visual impact, materials and finishes to the proposed buildings and landscaping.
4. Residential Design: Further consideration/justification of the quality of the proposed residential amenity having regard to national guidance documents and in particular the number of single aspect and north facing units, and daylight and sunlight access to units/open spaces.

5.1.3. Furthermore, pursuant to article 285(5)(b) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant was notified that, in addition to the requirements as specified in articles 297 and 298 of the Planning and Development (Strategic Housing Development) Regulations 2017, specific information should be submitted with any application for permission, which can be summarised as follows:

- 1) Detailed statement of consistency and planning rationale.
- 2) Updated Architectural Design Statement.
- 3) Detailed statement on material contravention of the Development Plan.
- 4) Visual Impact Assessment.
- 5) Report on the proposed materials and finishes.
- 6) Justification of communal and public open space.
- 7) Clarity on designation of communal and public open space.
- 8) Housing Quality Assessment.
- 9) Report on residential amenity impacts for existing properties.
- 10) Daylight and Shadow Impact Assessment.
- 11) Clarification regarding connection to water and drainage infrastructure.
- 12) Full response to the matters raised in the Planning Authority Opinion.
- 13) A Life Cycle Report.
- 14) All necessary information in articles 299B(1)(b)(ii)(II) and 299B(1)(c) of the Planning and Development Regulations for the purposes of EIAR screening.
- 15) Ecological Impact Assessment, inclusive of a Bird and Bat Survey.
- 16) Site layout plan indicating what areas, if any, are to be taken in charge.
- 17) Site Specific Construction and Demolition Waste Management Plan.
- 18) Details of public lighting.

## 5.2. Applicant's Statement of Response to ABP Opinion

- 5.2.1. The application includes a 'Response to An Bord Pleanála Opinion', as provided for under Article 297(3) of the Planning & Development Regulations 2001 (as amended). The response to the 'issues to be addressed to constitute a reasonable basis for an application' can be summarised as:

- 1) Development Strategy: The number of residential units has been reduced from 103 to 100, and the non-residential floorspace has been increased from 336m<sup>2</sup> to 355m<sup>2</sup>. The response also highlights compliance with objectives of the 2016-2022 Development Plan, including 'URBAN CENTRES (UC) Policy 5 Local Centres', 'UC5 Objective 1', 'UC5 Objective 2', 'UC5 Objective 3', and

section 5.1.4. It concludes that the proposal will suitably provide additional day to day services to cater for the local catchment in accordance with the zoning objectives of the 2016-2022 CDP and the Draft CDP 2022-2028.

- 2) Architectural Design Approach: The Architectural Design Statement, Statement of Response, Visual Impact Assessment, and CGIs demonstrate how the proposed height strategy results in a high quality and positive design intervention which has regard to its surrounding context.
- 3) Landscaping, Materials, and Character: The Visual Impact Assessment, Architectural Statement of Response, and Landscape Architecture Design Rationale + Statement of Response outline that the development will ensure a long-term positive impact to the area, including the creation of an inclusive people friendly neighbourhood.
- 4) Residential Design: These matters are addressed in the Architectural Design Statement and Statement of Response and in the Daylight & Sunlight Report.

5.2.2. With regard to the 'specific information' also requested by the Board, the applicant's response outlines that the requested information (points 1-18) has been submitted.

## **6.0 Relevant Planning Policy**

### **6.1. National Policy & Guidance**

6.1.1. 'Housing For All - a New Housing Plan for Ireland (September 2021)' is the government's housing plan to 2030. It is a multi-annual, multi-billion-euro plan which aims to improve Ireland's housing system and deliver more homes of all types for people with different housing needs. The overall objective is that every citizen in the State should have access to good quality homes:

- To purchase or rent at an affordable price,
- Built to a high standard in the right place,
- Offering a high quality of life.

6.1.2. The National Planning Framework (NPF), First Revision, April 2025 is the Government's high-level strategic plan for shaping the future growth and

development of the country to the year 2040. Key elements of the NPF include commitments towards 'compact growth' and 'sustainable mobility'. It contains several relevant policy objectives that articulate the delivery of compact urban growth and sustainable mobility, including:

- NPO 8 - 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 and ensure compact and sequential patterns of growth.
- NPO 10 is to deliver Transport Orientated Development (TOD) at scale at suitable locations, served by high capacity public transport and located within or adjacent to the built up footprint of the five cities or a metropolitan town and ensure compact and sequential patterns of growth.
- NPO 11 outlines that planned growth at a settlement level shall be determined at development plan-making stage and addressed within the objectives of the plan. The consideration of individual development proposals on zoned and serviced development land subject of consenting processes under the Act shall have regard to a broader set of considerations beyond the targets including, in particular, the receiving capacity of the environment.
- NPO 12 - 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 22 - In urban areas, planning and related standards, including in particular building 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.
- NPO 37 - 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 43 - Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision.

- NPO 45 - 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, increased building height and more compact forms of development.

6.1.3. The Climate Action Plan 2025 builds upon and should be read in conjunction with the Climate Action Plan 2024. It refines and updates the measures and actions required to deliver carbon budgets and sectoral emissions ceilings and provides a roadmap for taking decisive action to halve Ireland's emissions by 2030 and achieve climate neutrality by no later than 2050. All new dwellings will be designed and constructed to Nearly Zero Energy Building (NZEB) standard by 2025, and Zero Emission Building standard by 2030. In relation to transport, key targets include a 20% reduction in total vehicle kilometres travelled, a 50% reduction in fossil fuel usage, and significant increases to sustainable transport trips and modal share. The Commission is required to perform its functions in a manner consistent with the Climate & Low Carbon Development Act.

6.1.4. The National Biodiversity Action Plan 2023-2030 includes five strategic objectives aimed at addressing existing challenges and new and emerging issues associated with biodiversity loss. Section 59B(1) of the Wildlife (Amendment) Act 2000 (as amended) requires the Commission to have regard to the objectives and targets of the NBAP in the performance of its functions, to the extent that they may affect or relate to the functions of the Commission. The impact of development on biodiversity, including species and habitats, can be assessed at a European, National and Local Level and is taken into account in our decision-making having regard to the Habitats and Birds Directives, EIA Directive, Water Framework Directive and Marine Strategy Framework Directive, and other relevant legislation, strategy and policy where applicable. Biodiversity is addressed in sections 10.8 and 12 of this report.

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

- Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024), Department of Housing, Local Government and Heritage (hereafter referred to as the '*Compact Settlement Guidelines*')
- Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities, (December 2020, updated in July 2023) (hereafter referred to as the '*Apartments Guidelines*')<sup>1</sup>.
- The Planning System and Flood Risk Management including the associated Technical Appendices, 2009 (the '*Flood Risk Guidelines*').
- Urban Development and Building Heights – Guidelines for Planning Authorities, 2018 (hereafter referred to as the '*Building Height Guidelines*').
- Childcare Facilities – Guidelines for Planning Authorities (June 2001) and Circular PL3/2016 – Childcare facilities operating under the Early Childhood Care and Education Scheme (the '*Childcare Guidelines*').
- Retail Planning – Guidelines for Planning Authorities, 2012 (hereafter referred to as the '*Retail Planning Guidelines*').

6.1.6. Other relevant national Guidelines include:

- Design Manual for Urban Roads and Streets (DMURS) (2019).
- Framework and Principles for the Protection of the Archaeological Heritage Department of Arts, Heritage, Gaeltacht and the Islands 1999.
- Guidance for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment, (Department of Housing, Local Government and Heritage) (August 2018).
- Appropriate Assessment of Plans and Projects in Ireland - Guidance for Planning Authorities (Department of Environment, Heritage and Local Government, 2009).

## 6.2. Regional Policy

- 6.2.1. The primary statutory objective of the Eastern and Midland Regional Assembly Regional Spatial and Economic Strategy 2019-2031 (RSES) is to support

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<sup>1</sup> The 2025 update of the Guidelines does not apply to applications received before 9<sup>th</sup> July 2025

implementation of Project Ireland 2040 and the economic and climate policies of the Government by providing a long-term strategic planning and economic framework.

6.2.2. It includes the Dublin Metropolitan Area Strategic Plan (MASP) which promotes compact sustainable housing delivery and integrated transport and land use. It seeks to focus on several large strategic sites, based on key corridors that will deliver significant development in an integrated and sustainable fashion. The South - West Corridor runs to the north of the site and aims to regenerate land along the Luas Red Line, including Tallaght and Fortunestown.

6.2.3. Other relevant RPOs can be summarised as:

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

**RPO 5.5:** Residential development shall follow a clear sequential approach, with a primary focus on the consolidation of Dublin and suburbs, supported by the development of Key Metropolitan Towns in a sequential manner.

6.2.4. The Greater Dublin Area Transport Strategy 2022-2042 (NTA) sets out a framework aiming to provide a sustainable, accessible, and effective transport system for the area which meets the region's climate change requirements, serves the needs of urban and rural communities, and supports the regional economy.

### 6.3. **South Dublin County Council Development Plan 2022-2028**

6.3.1. The SDCCDP 2022-2028 was made on 22nd June 2022 and became the operational plan on 3rd August 2022 (application lodged 10<sup>th</sup> June 2022).

#### 6.3.2. Core Strategy

The Core Strategy identifies Firhouse as part of the Wider Dublin City and Suburbs area and part of a range of local and district centres each with their own identity and sense of place supporting the residential areas. The application site is included as a 'Housing Capacity Site' in Figure 9 of the Plan. Such sites have a stated cumulative housing capacity of 42,570 units. Relevant policies/objectives include:

Policy CS6 promotes the consolidation and sustainable intensification of development within the urban settlements.



Policy CS6 Objective 4 promotes higher densities (50+uph) subject to meeting qualitative standards at appropriate locations, in urban built-up areas, especially near urban centres and / or high-capacity public transport nodes in line with prevailing Section 28 Ministerial Guidelines and where it can be demonstrated that the necessary infrastructure is in place or can be provided to facilitate the development.

Policy CS7 promotes the consolidation and sustainable intensification of development within the Dublin City and Suburbs settlement boundary.

#### 6.3.3. Natural, Cultural, and Built heritage

Chapter 3 'Natural, Cultural and Built Heritage' aims to protect and enhance the key heritage assets which have shaped the County, including diverse landscapes, varied flora and fauna, historic buildings and streetscapes, and rich archaeological history. The site adjoins the Dodder Valley to the north and Zoning Objective 'HA', Policy NCBH8, and Policy NCB12 aim to protect and enhance outstanding natural character and amenity, green infrastructure value, and geological significance. Otherwise, there are no conservation objectives that relate specifically to the site or the existing buildings thereon. The site is within the 'Urban' landscape character area, which is not defined as an 'area of sensitivity'. However, the Dodder Valley to the north is classified as "High' sensitivity.

#### 6.3.4. Section 3.5.4 acknowledges the importance of 'vernacular / traditional and older buildings, estates, and streetscapes', and relevant objectives include (in summary):

NCBH21 Objective 1: To retain existing buildings that contribute to historic character, local character, visual setting, rural amenity or streetscape value.

NCBH21 Objective 3: To encourage the retention and re-use of older buildings and original features that contribute to the visual setting, collective interest or character of the surrounding area.

NCBH21 Objective 4: To ensure that infill development is sympathetic to the architectural interest, character and visual amenity of the area.

#### 6.3.5. Green Infrastructure

Chapter 4 'Green Infrastructure' (GI) promotes the development of an integrated GI network working with and enhancing existing biodiversity and natural heritage,

improving resilience to climate change and enabling the role of GI in delivering sustainable communities to provide environmental, economic and social benefits. It recognises the Dodder Valley as a key GI asset. Policies for the 5 key themes can be summarised as follows:

GI2: Biodiversity - Strengthen the existing GI network and ensure all new developments contribute towards GI, in order to protect and enhance biodiversity.

GI3: Sustainable Water Management - Protect and enhance the natural, historical, amenity and biodiversity value of watercourses. Accommodate flood waters as far as possible during extreme flooding events and enhance biodiversity and amenity through the designation of riparian corridors and appropriate restrictions.

GI4: Sustainable Drainage Systems (SuDS) - Require the provision of SuDS and maximise the amenity and biodiversity value of these systems.

GI5: Climate Resilience - Strengthen GI to improve resilience against future shocks and disruptions arising from a changing climate. Objective 4 is to implement the Green Space Factor (GSF) for all qualifying development.

GI6: Human Health and Wellbeing - Improve accessibility and recreational amenity in order to enhance human health and wellbeing while protecting the environment.

GI7: Landscape, Natural, Cultural and Built Heritage - Protect, conserve, and enhance landscape, natural, cultural and built heritage features, and support the objectives and actions of the County Heritage Plan.

Section 4.3.2 outlines objectives for Strategic Corridor 1: The Dodder River.

#### 6.3.6. Quality Design and Healthy Placemaking

Chapter 5 aims to create a leading example in sustainable urban design and healthy placemaking that delivers attractive, connected, vibrant and well-functioning places to live, work, visit, socialise and invest in. It aims to deliver sustainable neighbourhoods through 'The Plan Approach' based on 8 key design principles. It outlines that the Plan (Appendix 10) includes a Building Height and Density Guide (BHDG) with performance-based criteria for the assessment of developments of greater density and increased height. The approach to building heights will be driven by context. Relevant policies/objectives include (as summarised):

QDP 8 Objective 1 - Assess development proposals in accordance with the BHDG and associated planning guidelines. All medium to large scale and complex planning applications (30 + residential units, commercial development over 1,000 sq m or as otherwise required by the Planning Authority) shall be accompanied by a 'Design Statement' including a detailed analysis of the proposal and statement based on the guidance, principles and performance-based design criteria.

QDP8 Objective 2 - Proactively consider increased building heights within a range of zonings, including Local Centre (LC), and on sites with the capacity to accommodate increased densities in line with national guidance and the BHDG.

QDP10 Objective 1 - Ensure that all new residential developments provide a wide variety of housing types, sizes and tenures in line with the Housing Strategy.

#### 6.3.7. Housing

Chapter 6 aims to ensure the delivery of high quality and well-designed homes in sustainable communities to meet a diversity of housing needs. Section 6.7 promotes high quality design and layout in new residential developments and includes a range of objectives in this regard. Other relevant policies and objectives include:

H1 Objective 12: Provide a minimum of 30% 3-bedroom units. A lesser provision may be acceptable subject to compliance with stated criteria.

Policy H13 promotes residential consolidation and sustainable intensification at appropriate locations.

H13 Objective 4 promotes 'Living-Over-The-Shop' residential uses on the upper floors of appropriate buildings located in Town, District, Local and Village Centres.

#### 6.3.8. Sustainable Movement

Chapter 7 aims to increase the number of people walking, cycling and using public transport and reduce the need for car journeys. It includes a range of policies and objectives aimed at integrating sustainable transport and land-use planning and promoting sustainable/active transport modes.

SM7 is to implement a balanced approach to the provision of car parking with the aim of using parking as a demand management measure to promote a transition towards more sustainable travel.

The Zoning Map also includes a 'Cycleway Proposal' along Mount Carmel Park to the east of the site.

#### 6.3.9. Community Infrastructure and Open Space

Chapter 8 aims to create healthy, inclusive and sustainable communities where all generations have local access to social, community and recreational facilities, and parks and green spaces. Relevant policies can be summarised as follows:

COS5 Objectives 4 & 5: Require public open space as part of a proposed development site area in accordance with the Public Open Space Standards (minimum) set out in Table 8.2. The Plan also outlines discretionary options for the remaining open space requirement to achieve the overall standard of 2.4 ha per 1,000 population.

COS5 Objective 20: Ensure that children's play areas are provided as an integral part of the design and delivery of new residential and mixed-use developments.

COS7 Objective 2: Require appropriate childcare facilities as an essential part of new residential developments in accordance with the provisions of the Childcare Facilities Guidelines for Planning Authorities (2001).

#### 6.3.10. Economic Development and Employment

Chapter 9 sets out a broad spatial framework for enterprise and employment including the retail strategy.

As per Table 9.1, Local Centres are at Level 4 of the Retail Hierarchy and usually contain one supermarket ranging in size from 1,000- 2,500 sq m with a limited range of supporting shops and retail services and possibly other services such as post offices, community centres or health clinics grouped together to create a focus for the local population. These centres meet the local day-to day needs of surrounding residents. Relevant policies and objectives include:

EDE8 Objective 7: To consolidate the existing retail centres in the County and promote town, village, district centre and local centre vitality and viability through the application of a sequential approach to retail development.

Policy EDE14: Retail - Local Centres - Maintain and enhance the retailing function of Local Centres.

EDE14 Objective 1: Support the development and enhancement of local centres as sustainable, multifaceted, retail led mixed use centres, enhancing local access to daily retail needs, which do not adversely impact on higher order retail centres.

EDE17 Objective 1: To prevent an excessive concentration of off-licence and betting offices in our urban areas.

#### 6.3.11. Infrastructure and Environmental Services

Chapter 11 highlights the importance of high-quality infrastructure networks and environmental services. It outlines policies on a range of issues including water supply and wastewater, flood risk management, waste management, and environmental quality.

#### 6.3.12. Implementation and Monitoring

Chapter 12 sets out development standards and criteria that arise out of the policies and objectives.

Although the southern and south-eastern periphery of the site is unzoned, the majority of the site is zoned 'LC – To protect, improve and provide for future development of Local Centres'.

Other notable standards are outlined as follows:

12.3 Natural, Cultural and Built Heritage

12.4 Green Infrastructure

12.5 Quality Design and Healthy Placemaking

12.6 Housing / Residential Development

12.7 Sustainable Movement

12.8 Community Infrastructure and Open Space

12.9 Economic Development and Employment

12.10 Energy

12.11 Infrastructure and Environmental Services (incl. Aviation).

#### **6.4. Applicant's Statement of Consistency**

- 6.4.1. The application includes a 'Statement of Consistency' report which addresses national/regional and local policy. It addresses the South Dublin County Development Plan 2016-2022 (which was in operation at the time of making the application), while Appendix A also considers the Draft South Dublin County Development Plan 2022-2028 and associated 'material alterations', which were being considered at the time of the making of the application. The report concludes that the proposed development is fully in accordance with the proper planning and sustainable development of the area.

#### **6.5. Applicant's Material Contravention Statement**

- 6.5.1. The statement addresses the identified material contraventions of both the CDP 2016-2022 and the Draft CDP 2022-2028 (in Appendix B). However, given that the CDP 2016-2022 no longer applies, I have outlined the material contraventions identified by the applicant in respect of the Draft CDP 2022-2028 only (below).

##### **6.5.2. Unit Mix**

The statement outlines that the proposed apartment mix does not comply with H1 Objective 13 of the Draft Plan, given that the total number of three-bedroom units amounts to 5% of the overall total, below the 30% minimum required by H1 Objective 13. The applicant sets out a justification for granting permission based on the flexibility to allow a lower requirement as per H1 Objective 13. It also contends that a grant would be justified under Section 37(2)(b)(i) and (iii) of the Act given the strategic importance of the scheme and compliance with national and regional policy, including SPPR 1 of the Apartments Guidelines (2020).

I note that 'H1 Objective 13' in the Draft CDP 2022-2028 was subsequently incorporated as 'H1 Objective 12' in the CDP 2022-2028.

### 6.5.3. Separation Distances and Block Layout

The statement outlines that there are a number of instances where the separation distances between opposing windows, both within and outside of the development, fall below the Draft Plan standards as set out in section 13.5.4 (i.e., 'circa 22 metres, in general') and Policy H11 Objective 4.

The applicant sets out a justification for granting permission under Section 37(2)(b)(i), (iii), and (iv) of the Act given the strategic importance of the scheme and compliance with national and regional planning policy.

I note that section 13.5.4 of the Draft Plan has been incorporated as section 12.6.7 of the adopted CDP 2022-2028.

## 7.0 **Observer Submissions**

A total of 12 submissions were received from third-parties. The submissions cover many common issues which can be cumulatively summarised under the headings below. Where relevant, the pertinent issues are discussed in more detail in the 'assessment' section of this report.

### Submitted plans and particulars

- 1A Mount Carmel Park (MCP) appears to be excluded from the vast majority of plans/assessments, including those relating to Visual Impact, Daylight and Sunlight, and Noise. This would preclude the Board from granting permission.
- The photomontage images incorrectly show mature trees beside 1A MCP.
- The documentation includes discrepancies on the total number of apartments and the proposed car-parking layout.

### Impacts on existing properties

- The scale, height, bulk, level, and proximity of the development would result in an overbearing impact, particularly for the properties in MCP.
- Windows, balconies, roof gardens would directly overlook MCP.
- The balconies and roof gardens would cause excessive noise and disturbance for the residents of MCP.

- The impacts would negatively impact on property value in MCP.
- Light and air pollution would negatively impact on local properties.
- The development would increase the rat population in the direction of MCP.
- The layout lacks passive supervision and would facilitate anti-social behaviour.
- The development would overlook a family resource centre.

#### Density, height, visual impact

- The proposal materially contravenes the CDP 2016-2022 in respect of building height and is not an appropriate location to contravene 'H9 Objective 3' and section 11.2.7 of the CDP 2016-2022 regarding gradual height increases and appropriate separation distances between existing and proposed development.
- The SPPRs of the Building Height Guidelines cannot be appropriately applied in this case as it would result in significant negative residential amenity impacts.
- Excessive density would adversely impact on local services and infrastructure and is not supported by local commercial & employment services.
- H13 Objective 5 of the CDP 2022- 2028 is 'to ensure that new development in established areas does not unduly impact from the amenities or character of the area'. The proposed development is entirely out of character.
- The development would adversely impact on the Dodder high amenity area, both environmentally and visually.
- Local fire services do not have the capacity to deal with the proposed height.

#### Daylight and Sunlight

- 1A MCP would fall within the 25° line and require further analysis of impact.
- The applicant's report confirms that MCP properties would be negatively impacted in terms of the light receivable to windows and rear gardens, most notably on 21<sup>st</sup> March and 21<sup>st</sup> December.
- The MCP properties would have to use lighting/heating much more frequently, which would result in negative energy, health, and financial impacts.
- The development would infringe on the legal 'right to light' of 1 MCP.



### Traffic, transport and parking

- Residential and commercial parking is inadequate and does not account for visitors, deliveries, and 2-car households.
- The area already suffers from excessive traffic and overspill parking. The proposal would exacerbate impacts on adjoining roads / footpaths, resulting in negative impacts for existing residents, emergency/utility services, congestion, and traffic safety.
- Public transport is inadequate to support the development and there would be increased dependency on private cars.
- The crèche set-down facilities are inadequate & impractical and are likely to lead to safety/disruption impacts for existing roads and residents.
- The application site is currently used for parking by users of the Dodder Valley Park and others. The loss of parking would disadvantage existing users and would increase overspill parking on adjoining roads/footpaths.
- Clarification is sought on construction parking to prevent overspill.
- Parking for the medical facility is inadequate for covid safety measures.

### Biodiversity

- Concerns about a significant risk to wildlife having regard to size and height. Given the critical ecological importance of Dodder Valley Park area of High Amenity, the Board should exercise great caution. The baseline survey carried out of Dodder Valley Park in respect of the proposed Integrated Wetlands construction is highlighted, including the species present in the study area.
- Sewerage / drainage problems could adversely impact on wildlife.
- Construction would be detrimental to bats, badgers, grey squirrel, owls, rabbits, and avian species in the area.

### Other Issues

- Houses in the area have ongoing issues with flooding and sewerage capacity, and these problems would be exacerbated by the development. There are also concerns about impacts on water supply.

- The development would increase pressure on local school capacity.
- Concerns are raised about the SHD process and confidence in An Bord Pleanála.
- The inclusion of a betting office does little to improve local services.
- Concerns about the affordability of the proposed apartments.
- The development does not serve the needs of young adults, families, downsizers.
- The balconies overhang the footpath, would be an eyesore, unsuitable for emergency exit, and a potential hazard for pedestrians, cyclists, vehicles etc.
- There is inadequate evidence to demonstrate that the foundation works will not disrupt the Dodder River and there may be bedrock issues.

## **8.0 Planning Authority Submission**

### **8.1. Overview**

- 8.1.1. In compliance with section 8(5)(a) of the 2016 Act, SDCC submitted a report of its Chief Executive Officer which was received on the 5<sup>th</sup> of August 2022. The submission includes a summary of the views of the elected members of WCC and is accompanied by technical reports from relevant departments of SDCC.

### **8.2. Summary of Inter-Departmental Reports**

#### **8.2.1. Roads**

No objections subject to conditions and agreement of detailed measures.

#### **8.2.2. Public Realm**

The report highlights the following comments:

- Public open space provision is excess of the required standards but there are concerns regarding the functionality, quality, and usability of the space, largely due to its linear/peripheral nature.
- Concerns about the amenity of open space due to overshadowing and wind tunnelling effects created by tall buildings.
- The Green Infrastructure plan is welcomed.

- The 'Green Space Factor' requirements of the CDP 2022-2028 are referenced.
- The Play Plan is welcomed but there are concerns about lack of facilities in the public realm, a lack of facilities for teenagers, and detailed specifications.

The report recommends a range of conditions to be included relating to landscaping, trees, play provision, green infrastructure/roofs, invasive species, taking in charge, SUDS, ecology, boundaries, and green space factor.

#### 8.2.3. Water Services

- Surface water – Recommends clarification of proposals relating to: the replacement of attenuation by concrete tanks with SuDS measures; existing pipes on site; maximum discharge rate of 1.5L/S; basement level car parking shall pass through a Class 2 petrol interceptor and discharge to the foul drainage network in accordance with the Greater Dublin Regional Code of Practice.
- Flood Risk – No objection.

#### 8.2.4. Housing

No objections subject to Part V agreement.

### 8.3. **Summary of Views of the Elected Members**

It is stated that the application was discussed at the Tallaght Area Committee (special) meeting on the 12<sup>th</sup> of July 2022. The main views outlined in the CE Report can be summarised as:

#### Impacts on existing properties

- Overshadowing and overlooking concerns.
- Objective 5 of the new CDP will be in force, whereby the development should not impact on established residential areas.
- Inadequate separation distance and impacts on light.
- Massive intrusion for the properties in MCP.

#### Height, density, visual impact

- Excessive density is a cynical approach to avail of the SHD process.
- Height and density is inappropriate.

- Adverse visual impact.
- Loss of boundaries and trees.
- Queries about the proposed finishes.

#### Traffic, transport, parking

- Inadequate public transport.
- Huge impacts on car parking.
- Queries about the safety of cycle parking.

#### Proposed residential standards

- Concerns about the aspect and light standards for the proposed apartments.
- Potential for Built to Rent usage.
- Concerns about affordability and poor size of apartments.
- Plans appear to be difficult to circumnavigate.
- The location of bin storage is queried.

#### Other Issues

- Impact on sewerage and water capacity.
- Proximity to Dodder Valley high amenity area and adverse impacts on ecology (including bats) and drainage.
- Another betting office is not needed.
- Impacts on school capacity.
- Not sustainable development.
- Creche is in the wrong place.
- Material contravention of the Development Plan.
- The old cottage could be kept.
- Queries about plans for public open space and play space.

#### 8.4. CE Planning Assessment

The assessment is based on the SDCCDP 2022-2028 which was in operation on the date of the report (4<sup>th</sup> of August 2022). Other than the inter-departmental reports, the main aspects of the assessment can be summarised under the following headings:

##### Principle of Development

- The proposed uses are 'permitted in principle' in the 'LC' zone.
- The site is identified as a Housing Capacity Site under Figure 9 of the CDP and is therefore identified as having capacity to accommodate residential development.
- The own door duplex units on the eastern side could facilitate conversion to commercial/retail use in the future.
- A Community and Social Infrastructure Audit outlines that there is an adequate supply of community and social infrastructure.
- Subject to the conversion of Apartment No. A1G to commercial/retail, the proposed mix of uses, quantum and layout is in compliance with Council policy in relation to Local Centres.
- The replacement of an existing betting office would not lead to an excessive concentration under Policy EDE17, EDE17 Objective 1 and Section 12.9.5(II).

##### Residential density and building height

- Having regard to the urban design approach and the zoning of the site, the principle of the density and building height is appropriate in the context of the South Dublin County's Building Heights and Density Guide 2021.
- However, the building height should be lower in proximity to existing residential development at Mount Carmel Park. Block 1 should be stepped down earlier to take into account proximity to 1a Mount Carmel Park.

##### Development Mix

- Having regard the prevailing house type within a 10-minute walk of the subject site, the site size and constraints, the Local Centre zoning, the submitted documentation, it is considered that a lesser provision of 3 bed units would be

acceptable on site and the proposed mix complies with H1 Objective 12. There is no material contravention in this regard.

- 4 no. own door duplex units on the eastern frontage is to be welcomed.
- The creche proposal is welcomed and drop-off bays are proposed in the upper basement car park.
- The development has not been described as 'build to rent'.

#### Design, Layout, and Visual Impact

- The Architectural Design Statement addresses 'The Plan Approach'.
- The proposed materials, finishes and Life Cycle Report are welcomed.
- The overall layout is acceptable subject to agreement of the public realm along Firhouse Road.
- It is considered that sufficient quality communal amenity space would be available in compliance with the CDP and Apartment Guidelines.
- Under COS5 Objective 5 and Table 8.2 of the CDP, the development equates to an overall public open space requirement of 3,840sq.m. A proposed total of approx. 1,347sq.m (or 29% of the site area) would meet minimum site requirements (10%) but not the overall requirement. Although the CDP allows for applying a financial contribution in lieu of the shortfall, it is not necessary in this case given the nature of the site/proposal and proximity to a regional park.
- The application shows that the development would not have a significant negative impact from viewed from the N81 and Dodder Valley Park; would have a strong frontage onto Firhouse Road; is appropriately setback from the road; and allows for public realm and landscaping along the streetscape.

#### Residential Amenity

- No objections are raised on standards relating to unit/room sizes, the 2-bed (3-person) units, aspect, etc.
- Subject to the revision of Block 1 to allow an appropriate height transition from MCP, there is no objection regarding separation distances between windows or

blocks, both within the development and from existing properties. There is no material contravention in this regard.

- Notes the daylight / sunlight standards for the proposed development and predicted impacts on MCP (including estimated impacts for 1A). The reduction in height along the eastern elevation would further reduce any impact.

#### Public Realm

- Notes the contents of the report from the SDCC Public Realm Section.
- The green infrastructure incorporated into the proposed development is considered in line with Policy GI5 in relation to climate resilience. The measures would improve the existing site situation. In consideration of the timing of the application prior to the commencement of the Development Plan and the availability of the measuring tool for GSF, it is unreasonable to require the calculation of the GSF in this application. The Planning Authority is satisfied with the level of Green Infrastructure provision, and it is apparent the development would meet this objective.

#### Cultural and Built Heritage

- The relevant measures of the Archaeological Impact Assessment and Method Statement; the Heritage Impact Assessment; and the recommendations of the Department of Housing, Local Government and Heritage should be implemented.

#### Green Infrastructure

- The site is partially located within a riparian corridor for the Dodder River. Subject to a condition requiring a hydromorphological assessment, the policy and objectives of the CDP have been met.
- The mitigation measures of the Ecological Impact Assessment Report, Bat Survey Report, Bird Survey Report and Invasive Species Survey Report should be conditioned in the event of a grant.

#### Access, Transport, and Parking

- The contents of the SDCC Roads section report are recommended.
- The public realm area adjacent to the Firhouse Road shall be redesigned to provide for improved cycle infrastructure by way of condition.

### Drainage and Services

- The SDCC Water Service Report and Irish Water comments are referred to the Board for consideration.

### Environmental and Safety Considerations

- Standard conditions should apply in relation to air quality, bin storage, fumes and noise, including the recommendations of the noise assessment.
- No objections on aviation safety.
- Waste Management proposals are acceptable subject to conditions.
- The Energy & Sustainability report is noted.

### Screening for AA and EIA

- The Board is the competent authority in this regard.

### Conclusion

- Noting national and regional guidance in relation to urban consolidation and the location of the site, the Planning Authority recommends that the development can be granted permission, subject to conditions.
- The notable recommended conditions include the following:
  - Replacement of Apartment No. A1G with commercial/retail floorspace.
  - Block 1 revised so that the 3-storey element is extended further.
  - Adequate privacy planting around ground level private amenity spaces.
  - Improvements to cycle infrastructure in public realm along Firhouse Road.
  - Completion of a hydromorphological assessment.
  - Agreement of details of landscaping and play provision.

## **9.0 Prescribed Bodies**

- 9.1. In accordance with the requirements of the Board's pre-application opinion, the application outlines that the following were notified: National Transport Authority; Transport Infrastructure Ireland; Minister for Housing, Local Government & Heritage; Heritage Council; Irish Water; and South Dublin County Childcare Committee.



9.2. The submissions received can be summarised as follows:

Department of Housing, Local Government and Heritage

Archaeology – Agrees with the proposals to test the available open spaces and recommends a condition requiring archaeological assessment and testing.

River Dodder – Unmitigated, there is potential that mobilised pollutants could impact the Dodder and its associated species including kingfisher, brook lamprey, otter, and trout. Although this is not addressed in the applicant's Ecological Impact Statement Report (EclSR), the measures outlined in the CEMP, CWMP, and operational surface water management measures should avoid such pollution.

Breeding birds – Pruning of trees along the rear site boundary shall be carried out outside the bird breeding season. Proposals for nesting sites for swifts, swallows and house martins shall also be agreed.

Bats – Bat roost and activity surveys shall be carried out immediately before demolition. The final lighting design shall be signed off by a bat specialist.

Irish Water

Water supply – Feasible without infrastructure upgrades by Irish Water.

Wastewater – Connection is feasible to the 225 mm sewer within the site.

There is an existing water main and sewer running through this site. It will not be permitted to build over any Irish Water infrastructure and the layout of the development must ensure that assets are protected. Alternatively, the applicant may enter into a diversion agreement with Irish Water.

A Statement of Design Acceptance has been issued by Irish Water.

Any grant should include conditions regarding standard connection agreements and protection of Irish Water assets.

Inland Fisheries Ireland

- Highlights the need to ensure adequate measures are in place during the construction and operational phases to protect the aquatic environment.
- Management/maintenance of the operational surface water system is required.

- The current CEMP requires strengthening in terms of measures to prevent and control the introduction of pollutants and deleterious matter to surface water and groundwater and measures to minimise the generation of sediment and silt. It is suggested that appropriate measures are formulated in consideration of standard best international practices.

#### Transport Infrastructure Ireland

- No observations to make.

## **10.0 Assessment**

### **10.1. Introduction**

10.1.1. Having examined the application details and all other documentation on file, including the C.E. Report from the Planning Authority and all the submissions received in relation to the application, and having inspected the site and had regard to the relevant local/regional/national policies and guidance, I consider that the main issues in this application are as follows:

- Principle & Procedural Issues
- Residential Standards
- Impacts on Existing Properties
- Daylight & Sunlight
- Traffic & Transport
- Water Services
- Biodiversity
- Building Height, Density, Design, & Visual Amenity
- Material Contravention
- The Local Authority Recommendation
- Water Framework Directive (See Section 11)
- Appropriate Assessment Screening (See Section 12)
- Environmental Impact Assessment Screening (See Section 13).

## 10.2. Principle and Procedural Issues

### Zoning

- 10.2.1. The site is primarily zoned 'LC' – 'To protect, improve and provide for the future development of Local Centres'. As per Table 12.9 of the CDP, residential development is 'permitted in principle' under this zoning objective. Regarding the other proposed uses, I also note that a 'restaurant / café', 'Offices less than 100 sq m', 'Betting Office', and 'Childcare Facilities' are also 'permitted in principle'.
- 10.2.2. Table 12.9 does not specifically address 'barber shop' or 'medical unit' uses. However, a barbers / hairdresser comes under the definition of 'shop' as per the Planning and Development Regulations 2001, as amended, and both 'Shop-Local, Shop-Neighbourhood' are 'permitted in principle'. Uses including 'Doctor / Dentist' and 'Health Centre' are also 'permitted in principle' and I consider these to be analogous to the proposed 'medical unit'. Accordingly, I am satisfied that all proposed uses are acceptable in accordance with the zoning objective.
- 10.2.3. I acknowledge that residential would be the dominant use within the scheme. I consider this to be acceptable given that the site has been specifically identified as a 'Housing Capacity Site' as per Figure 9 of the CDP. The proposed development on a brownfield site would also be in accordance with CDP policy objectives to support consolidation and sustainable development (Policy CS6, Policy CS7, Policy H13), as well as 'living over the shop' (H13 Objective 4).
- 10.2.4. The public house, off-licence, and cottage have already been demolished after being vacant in recent years, meaning that existing use is mainly limited to the barber shop, betting office, and surface parking. The proposed development would provide an improved range and mix of commercial / community uses which would better serve the day-to day needs of surrounding residents. I consider that this would provide an appropriate balance in accordance with CDP provisions to support 'local centres' while not adversely impacting on higher order retail centres (EDE8 Objective 7, Policy EDE14, EDE14 Objective 1).
- 10.2.5. I note that 'EDE17 Objective 1' of the CDP discourages a concentration of off-licence and betting office uses. However, the proposed betting office would simply replace

an existing one, while the existing off-licence would not be replaced. Therefore, there would be a net reduction in such uses in accordance with the CDP objective.

- 10.2.6. The proposed combination of commercial units, the creche, and own-door duplex units provides an almost continuous active frontage along the public-facing southern and eastern facades. However, consistent with the submission of SDCC, I consider that the ground level apartment (B02.G101) beside the proposed medical unit would be more appropriately used as commercial/retail space having regard to its peripheral/isolated location, its substandard level of outlook/privacy, and also given the limited size of the medical unit (59.2m<sup>2</sup>). This could be agreed as a condition of any permission.
- 10.2.7. Otherwise, I note that the southern and southeastern periphery of the site is unzoned. This forms part of the public road and is under the control and management of SDCC. The area has been included within the 'red line boundary' to allow for improvements to the public realm, to provide public open space, and to alter existing access/circulation arrangements. Consistent with the approach of SDCC, I do not consider that this raises any significant zoning issues.
- 10.2.8. In conclusion, I am satisfied that the nature extent of the proposed uses would be consistent with CDP zoning policy and other policies and objectives relating to 'local centres' and consolidated residential development on brownfield sites.

#### Social & Community Infrastructure

- 10.2.9. The third-party submissions include concerns about increased pressure on local services and facilities, particularly schools. In this regard it is noted that the application includes a Community and Social Infrastructure Audit. The audit concludes that there is an adequate supply of education, childcare, healthcare and retail facilities within c. 15-minutes' drive of the subject lands, as well as a variety of recreational grounds and sports clubs. It also considers the contribution of the proposed development in the supply of open space, commercial / community uses, and parking facilities. It acknowledges that additional community (specifically nursing homes) and recreational facilities apart from parks and playgrounds which cater to the growing populations of older and retired persons, as well as primary school children, within the area are likely to be desired.

- 10.2.10. Specifically, regarding schools, the audit outlines that the study area is served by 21 primary schools, 9 post primary schools, 3 special education facilities, and 2 third level education facilities. Based on the nature and size of the proposed development (51 school places), the audit concludes that the surveyed capacity of existing schools would likely absorb the demand generated. And with regard to childcare facilities, it outlines that the threshold of 75 dwellings (2-bed+ as per the Apartments Guidelines) would not be reached to require such provision. Nonetheless, a childcare facility with indicative capacity for 25-27 spaces is included and this will make a positive contribution to the existing network.
- 10.2.11. I note that the Audit was updated to May 2022 and that there would inevitably be some changes in the intervening period. However, I am satisfied that the audit submitted is generally reflective of the existing infrastructure and, consistent with the view of SDCC, I do not consider that the limited scale of the development would generate excessive pressure on the existing services and facilities in the area.

#### Tenure

- 10.2.12. The third-party submissions include concerns about the affordability of the proposed units while the elected members of SDCC have queried the potential 'build-to-rent' nature of the scheme.
- 10.2.13. Regarding social and affordable housing, the application has confirmed that it will comply with Part V requirements. Furthermore, the application has not been described as 'build-to-rent' and there are no indications that it should be assessed as such. The suitability of the proposed mix of units will be discussed in section 10.3 of this report and I note the restrictions on the bulk sale of duplex units do not apply as per 'Regulation of Commercial Institutional Investment in Housing – Guidelines for Planning Authorities, July 2023'<sup>2</sup>. Otherwise however, I do not consider that the affordability of the proposed units requires further consideration by the Commission.

#### Discrepancies

- 10.2.14. Third-party submissions have raised concerns about discrepancies in the drawings and documents submitted. In particular, there are concerns about the omission of

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<sup>2</sup> The proposed development does not include 5 or more houses and/or duplex units

property 1A MCP from various assessments. Discrepancies in relation to the total number of apartments and the car-parking layout are also raised.

- 10.2.15. I acknowledge that 1A MCP appears to have been omitted from some assessments (i.e. Separation Distances, Daylight/Sunlight), and that there are some minor discrepancies regarding parking figures in various drawings and reports. However, as will be outlined throughout this assessment, I am satisfied that the drawings and documents submitted are adequate for the purposes of the Commission's decision, and that any discrepancies can be clarified through the conditions of any permission.
- 10.2.16. There is no recourse under SHD legislation to seek further information on this matter. However, if the Commission is minded to grant planning permission and considers that clarification on these discrepancies is required, this may be addressed as part of a 'limited agenda' Oral Hearing addressing other matters discussed later in this report. If a limited agenda oral hearing takes place, it will focus only on the issues contained within the limited agenda. I would direct the Commission to Section 18 of the Planning and Development (Housing) Residential Tenancies Act 2016 which allows for an Oral Hearing to be held in exceptional circumstances.

#### The SHD Process

- 10.2.17. Concerns about the SHD process and the role of An Coimisiún Pleanála are primarily legislative issues which need not concern the Commission for the purpose of this decision.

#### The LRD Permission (ABP Ref. 319568-24)

- 10.2.18. I acknowledge that some demolition and excavation works have taken place on foot of the LRD permission. However, these are preliminary works only and I do not consider that there are significant implications for the assessment and/or construction of the proposed SHD.

#### Conclusion

- 10.2.19. Having regard to the foregoing, I consider that the principle of the development is acceptable subject to detailed consideration in the following sections.

### 10.3. Residential Standards

10.3.1. This section assesses the standard of residential amenity for the proposed development having regard to the provisions of the CDP and national guidelines.

10.3.2. Section 12.6.7 of the CDP outlines the applicable standards for apartments developments. The standards are generally consistent with the Apartments Guidelines and the CDP states that all apartments shall comply with the Specific Planning Policy Requirements (SPRRs) set out in the Guidelines. I note that the CDP standards refer to the older 2020 version of the Guidelines and these have been addressed in the applicant's Statement of Consistency and Material Contravention Statement. And while the 2020 version of the Guidelines is now superseded by the 2023 version<sup>3</sup> which will be applied in my assessment, I do not consider that this has involved any changes that would materially affect the assessment of the application.

#### Apartment sizes, dimensions, private amenity space

10.3.3. The 'Technical Report' submitted with the application includes a 'Housing Quality Assessment' (HQA) which outlines a schedule of areas and dimensions for each apartment. This demonstrates that all proposed units exceed the minimum overall apartment floor areas as set out in SPPR 3. Furthermore, with regard to 'Safeguarding Higher Standards' the Guidelines requires that the majority of all apartments in any proposed scheme of 10 or more apartments shall exceed the minimum floor area standard for any combination of the relevant 1, 2 or 3 bedroom unit types, by a minimum of 10%. The HQA demonstrates that 54 (or 54%) of the 100 units exceed the requirements by more than 10%. Accordingly, the proposals satisfactorily address the requirements of minimum apartment sizes.

10.3.4. I have also reviewed the other requirements of Appendix 1 of the Apartment Guidelines for areas and widths for living/kitchen/dining areas and bedrooms. In this regard, I have considered the HQA and the drawings submitted with the application. I am satisfied that the quantitative areas and widths are satisfactorily provided in accordance with the requirements of the Guidelines.

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<sup>3</sup> The 2025 update of the Guidelines does not apply to applications received before 9<sup>th</sup> July 2025.

- 10.3.5. According to the HQA and submitted drawings, the total internal storage for each apartment exceeds the minimum requirements. I note that some individual areas exceed 3.5m<sup>2</sup>, which is not recommended in the Apartments Guidelines. However, the excess area in such cases has been excluded from the overall storage space, and I am satisfied that the proposed spaces (i.e., those >3.5m<sup>2</sup>) are not suitable for any other alternative habitable use.
- 10.3.6. I also note that a significant amount of storage space is partly provided within kitchen/living rooms and bedrooms in some cases. However, such spaces are in addition to minimum aggregate living/dining/kitchen or bedroom floor areas. Accordingly, I am satisfied that the proposals are acceptable in accordance with s. 3.31 of the Apartments Guidelines.
- 10.3.7. The proposed ground level ceiling heights are at least 2.7m, while the upper floor units have ceiling heights of 2.4-2.5m. Therefore, I am satisfied that the proposed ceiling heights are acceptable in relation to the requirements of the Apartments Guidelines (i.e. 2.7m at ground floor and 2.4m on upper floors). No apartment units front onto or adjoin busy commercial streets with significant pedestrian footfall and accordingly increased ceiling heights of 3.5 - 4m would not be required in accordance with s. 3.23 of the Guidelines.
- 10.3.8. All of the proposed units would also be provided with private amenity spaces which comply with or exceed the minimum area requirements as per Appendix 1 of the Guidelines. The spaces are at least 1.5m deep and are suitably accessed off the main living areas in accordance with the requirements of the Guidelines. I note some instances where private amenity spaces appear to adjoin/overlap the communal amenity spaces/landscaping, but I consider that this can be acceptably addressed subject to clarification and the agreement of appropriate boundary treatment / privacy screening.
- 10.3.9. I note that third-party submissions include concerns about protruding balconies which would be unsightly and would overhang the footpath and restrict circulation/access. However, I consider that there is an appropriate design and distribution of such balconies to avoid adverse visual impacts, and that they are suitably elevated from the adjoining circulation routes to avoid any conflicts with access/circulation.



## Unit Mix

10.3.10. The development proposes a mix of apartments/duplexes including: studio (2%), 1-beds (47%), 2-bed 3-person (10%), 2-bed 4-person (36%), and 3-beds (5%), and I note that third-party submissions include concerns about suitability for local housing needs. The planning authority has acknowledged that the proposed mix does not meet the requirement for 3-bedroom units (i.e. 30%) as per Policy H1 Objective 12 of the CDP. However, it outlines that the objective allows flexibility for a lesser provision and considers that the applicant has satisfactorily justified the proposal based on the prevailing house type within a 10-minute walk of the subject site (low density 3-4 bedroom 2-storey housing); the site size and constraints; the Local Centre zoning; and the submitted documentation. Therefore, despite the inclusion of this issue in the applicant's material contravention statement, the planning authority considers that the objective is complied with.

10.3.11. 'H1 Objective 12' allows for a lesser provision where it can be demonstrated that:

- (a) there are unique site constraints that would prevent such provision; or
- (b) that the proposed housing mix meets the specific demand required in an area, having regard to the prevailing housing type within a 10-minute walk of the site and to the socioeconomic, population and housing data set out in the Housing Strategy and Interim HNDA; or
- (c) the scheme is a social and / or affordable housing scheme.

10.3.12. While I acknowledge the site characteristics and the need to achieve appropriate density on the site, I do not consider that there are 'unique' constraints that would definitively 'prevent' the provision of 30% 3-bed units as per (a) above. Furthermore, this is not a 'social and / or affordable housing scheme' as per (c) above.

10.3.13. In relation to (b) above, the application is accompanied by a 'Unit Mix Review & Justification Report'. It outlines that:

- South Dublin's share of apartments is just 13.8%, remaining below the Dublin and overall region figure.
- 50% of homes in South Dublin are semi-detached; 24% are terraced (24%), and 10% are detached.

- Based on CSO data the SDCC area has the lowest amount of studio-1-bed / 2 bed (1-2 rooms and 3-4 rooms) in the Dublin, Region and State averages, and the highest number of 3 to 4-bedroom dwellings (5-6 rooms at 47.8%).
- Aerial imagery illustrates that houses (not apartments) are by far the predominant accommodation type in Firhouse, Knocklyon and Tallaght.
- New apartment completions in SDCC are lagging behind other Dublin LAs.
- Population projections for smaller households are more suited to apartments.
- The proposed development will suit an increased demand for 1- and 2-bedroom houses in the area.

10.3.14. I note that the CDP policy has been informed by the accompanying Housing Strategy and Interim HNDA (HS&IHNDA). Again however, the HS&IHNDA highlights that the 30% figure is a 'benchmark'; that each part of the County has different needs; and that deviation from the benchmark can be justified.

10.3.15. Having regard to the information submitted, the CDP and HS&IHNDA, and my review of the local area, I am satisfied that the area already includes a high proportion of 3-bed+ houses and that the proposal to provide 5% 3-beds is justified in this case.

10.3.16. The Apartments Guidelines highlight the need for greater flexibility, including removing restrictions in relation to apartment mix. SPPR 1 outlines that developments may include up to 50% one-bedroom or studio type units (with no more than 20-25% of the total proposed development as studios), and that there shall be no minimum requirement for apartments with three or more bedrooms.

10.3.17. The proposed development would comply with the above provisions. Of the proposed 2-bed units, I note that only 10 are 3-person units and this would be consistent with the 10% figure recommended in the Apartments Guidelines. And while SPPR1 allows statutory plans to specify an apartment mix further to an evidence-based HNDA, I have already outlined that the application satisfactorily complies with the flexibility for a lesser provision of 3-bed units in this case.

10.3.18. In conclusion, I am satisfied that the proposed housing mix is acceptable in accordance with the CDP and the Apartments Guidelines. And while the applicant has identified a material contravention in this regard, I would concur with the SDCC

view that this does not arise. Despite the reference to a 'minimum of 30% 3-bedroom units', I consider that 'H1 Objective 12' must be read 'as a whole', including the specific allowances for a lesser provision where justified. Accordingly, I do not consider that there would be a material contravention in this regard.

10.3.19. The Commission should note that I have already recommended the conversion of 1 no. ground floor unit to commercial use (see section 10.2). Later sections of this report (see section 10.9) also include recommendations for the removal of Level 3 (20 no. units). The omission of 21 units in total would include only 1 no. 3-bed unit and 2 no. 2-bed (3-person) units, with the remainder being 1-bed units and 2-bed (4-person) units. This would result in a revised provision of 4.5% 3-bed units and 10.1% 2-bed (3-person) units. This would not alter the conclusions I have outlined above.

#### Aspect

10.3.20. The CDP requirements for dual aspect units are consistent with those of the Apartments Guidelines, i.e., a minimum of 33% dual aspect units in more 'central and accessible urban locations' and there shall 'generally be a minimum of 50%' in 'suburban or intermediate locations'. The application outlines that 50% of the proposed units are dual aspect. And while the SDCC submission contends that Duplex Unit 2D2 is not dual aspect, it concludes that the development would satisfactorily provide 50% dual aspect units.

10.3.21. I would concur with the SDCC opinion that Duplex Unit 2D2 is not dual aspect. Similarly, I am satisfied that even with this exclusion, the 49 dual aspect units (49%) would represent only a *de minimis* shortfall on the 50% standard, which would be consistent with the CDP and Apartments Guidelines which allow for some discretion by stating that schemes shall 'generally' be 50% dual aspect. Accordingly, I do not consider that there would be a material contravention of the CDP in this regard.

10.3.22. Consistent with the recommendations of the Guidelines, none of the single-aspect units are north-facing and proposed 3-bed units are dual aspect.

10.3.23. As previously outlined, this report includes recommendations for the omission of 21 units. This would include 10 dual aspect units, which would result in a revised provision of 39 (49.3%) dual aspect units. This would not alter the conclusions I have outlined above.

### Lift / Stair Cores

- 10.3.24. In compliance with SPPR 6 of the Apartments Guidelines, the proposed development would not exceed a maximum of 12 apartments per floor per core.

### Security Considerations

- 10.3.25. The proposed blocks and entrance points have been designed to overlook the public realm and communal spaces. This will satisfactorily provide users with a sense of safety and security in accordance with the recommendations of the Guidelines.

### Accessibility

- 10.3.26. The Architectural Design Statement includes a Universal Design Statement which outlines that regard has been has to Part M and relevant guidance. Having reviewed the proposals, I am satisfied that the design meets the accessibility requirements of the Apartments Guidelines.

### Childcare

- 10.3.27. As previously outlined in section 10.2 of this report, the scheme would not require the provision of a childcare facility but a creche has been included to cater for c. 25-27 children. I am satisfied that the creche is appropriately integrated into the scheme and surrounding area, and that appropriate external space has been provided to the rear of Block 1.

### Waste

- 10.3.28. Communal bin stores are provided for each apartment block at B1 Basement level. The stores are suitably accessible in close proximity to the lift/stair cores and include louvred screening for adequate ventilation. The application is accompanied by an Operational Waste Management Plan which outlines that a high level of recycling, reuse, and recovery will be achieved. Where significant volumes of recyclable materials are being generated, these will be segregated at source to reduce waste contractor costs and ensure maximum diversion of materials from landfill in accordance with policy targets. Accordingly, I am satisfied that waste proposals are acceptable.

### Communal Open Space

- 10.3.29. The CDP requirements in this regard are consistent with the Apartments Guidelines. Based on those standards, I calculate that the proposed development would require a total of 600m<sup>2</sup>.
- 10.3.30. The Open Space Plan drawing submitted with the application outlines that the development includes a courtyard space at podium level (445.1m<sup>2</sup>), a terrace at level 2 (30.9m<sup>2</sup>), a roof space at level 3 (168.5m<sup>2</sup>), and a roof space at level 4 (295.9m<sup>2</sup>), resulting in a total of 940.4m<sup>2</sup>. This would comfortably exceed the 600m<sup>2</sup> requirement outlined above. The potential omission of 21 units would mean that requirements are exceeded even further.
- 10.3.31. In addition to the quantitative requirements, I am satisfied that the spaces will be suitably distributed and accessible, and that they will be appropriately designed, landscaped, and overlooked to provide a suitable level of amenity.
- 10.3.32. For schemes such as this, (i.e. <100 2-bed units) the Apartments Guidelines outline the need for small play spaces for the specific needs of toddlers and children up to the age of six. The CDP (COS5 Objective 20) also aims to ensure that children's play areas are provided as an integral part of the design and delivery of new residential and mixed-use developments.
- 10.3.33. The application addresses these requirements through a range of measures. It includes a 'play along the way' pathway route through the public open space comprising a sequence of sculptural sensory and nature-based play features. And in addition to the dedicated creche play space, significant play space has been provided at level 4 to cater for a range of ages. I note that SDCC have raised some concerns about play provision, but I am satisfied that the proposals would not materially contravene the CDP and are acceptable subject to the agreement of detailed design measures.

### Separation Distances

- 10.3.34. The Development Plan (s. 12.6.7) outlines a general benchmark minimum clearance distance of 22 metres between opposing windows, including cases of apartments up to three storeys in height. In taller blocks, a greater separation distance may be prescribed, and reduced distances will also be considered in respect of higher

density schemes or compact infill sites where innovative design solutions are used to maintain a high standard of privacy.

- 10.3.35. The Commission will note that, consistent with the NPF preference for performance-based standards, the Apartments Guidelines do not apply the 22m standard and advise against blanket restrictions on building separation distance. It highlights a need for greater flexibility in order to achieve significantly increased apartment development in cities and points to separate guidance to planning authorities as outlined in the Building Height Guidelines.
- 10.3.36. More recently, the Compact Settlement Guidelines outline that separation distances should be determined based on considerations of privacy and amenity, informed by the layout, design and site characteristics of the specific proposed development. SPPR 1 states that development plans shall not include an objective in respect of minimum distances that exceed 16 metres between opposing windows serving habitable rooms at the rear or side of houses, duplex units or apartment units above ground floor level. When considering a planning application for residential development, a separation distance of at least 16 metres between opposing windows serving habitable rooms at the rear or side of houses, duplex units and apartment units, above ground floor level shall be maintained. However, it also states that separation distances below 16 metres may be considered acceptable in circumstances where there are no opposing windows serving habitable rooms and where suitable privacy measures have been designed into the scheme to prevent undue overlooking of habitable rooms and private amenity spaces.
- 10.3.37. Having regard to the foregoing, it is clear that both local and national policy allows for appropriate flexibility in separation distances. The separation distance between proposed blocks/windows in this case is clearly less than both 16 metres (Compact Settlement Guidelines) and 22 metres (CDP 'benchmark').
- 10.3.38. At the northern end of Block 2 the distance is c. 8.5m. However, this involves only a limited number of 6 apartments and the windows are offset to prevent direct opposition. Furthermore, these limited instances involve bedroom windows opposite living room windows, and I consider that main use of the respective rooms is likely to occur at different times.

- 10.3.39. The distance along the angled eastern façade of Block 2 ranges from c. 6 metres to 17+ metres. However, there are no directly opposing windows due to the angled relationship between Blocks 1 and 2. Furthermore, the shortest distance between any angled windows would be c. 10 metres.
- 10.3.40. Accordingly, having regard to the design mitigation measures to protect the privacy of prospective residents, I consider that the proposed separation distances are acceptable in accordance with the flexibility for reduced distances as outlined in the CDP and Compact Settlement Guidelines. And while the applicant has identified a material contravention in this regard, I would concur with the SDCC view that this does not arise. In particular, I note that section 12.6.7 of the CDP describes a 'benchmark' of 'circa 22 metres, in general', which allows for flexibility. I also consider that this section of the CDP (i.e. 'Separation Distances and Block Layout') must be read 'as a whole', including the specific allowances for 'reduced distances'. Accordingly, I do not consider that there would be a material contravention in this regard.
- 10.3.41. I note that the applicant's Material Contravention Statement also references Policy H11 Objective 4 of the CDP, which is:
- 'To ensure that opposing balconies and windows at above ground floor level have an adequate separation distance, design or positioning to safeguard privacy without compromising internal residential amenity'.*
- 10.3.42. Having regard to my foregoing assessment, I consider that privacy and amenity issues have been suitably addressed and that there would be no material contravention in respect of Policy H11 Objective 4.
- 10.3.43. Although I am satisfied that there is no material contravention of the CDP despite these matters being included in the applicant's Material Contravention Statement, the Commission should note that my assessment also considers the provisions of the Compact Settlement Guidelines. These Guidelines were introduced in January 2024, which significantly post-dates the lodgement of the application (10<sup>th</sup> June 2022), meaning that the applicant and other parties did not have the opportunity to comment on same. Therefore, if the Commission is minded to grant permission, it may wish to have the implications of the Guidelines considered as part of a 'limited agenda' Oral Hearing addressing other matters in this report.

## Public Open Space

- 10.3.44. In accordance with Section 8.7.3 (Table 8.2) and Section 12.6.10 (Table 12.22) of the Development Plan, a minimum public open space 'overall standard' of 2.4 hectares per 1000 population is required, based on an occupancy rate of 3.5 persons for dwellings with three or more bedrooms and 1.5 persons in the case of dwellings with two or fewer bedrooms. Within that standard, there are specified percentages which must, as a minimum, be provided on site. This includes a minimum 10% for lands zoned 'LC'.
- 10.3.45. In cases where the 'overall standard' is not achieved, 'COS5 Objective 4' outlines that the Council has discretion to achieve the balance between the 'overall standard' and the minimum 'on-site' requirement through the provision or upgrading of small parks, local parks and neighbourhood parks outside the development site area, and in exceptional cases Regional Parks, subject to the open space or facilities meeting the open space 'accessibility from homes' standards for each public open space type set out in Table 8.1.
- 10.3.46. Similarly, COS5 Objective 5 outlines that a shortfall in the 'overall standard' can be addressed through a financial contribution (in lieu) for the purpose of the acquisition or upgrading of small parks, local parks and neighbourhood parks, and in exceptional cases Regional Parks, subject to the open space or facilities meeting the open space 'accessibility from homes' standards for each public open space type specified in Table 8.1. Where the Council accepts financial contributions in lieu of open space, the total contribution shall be calculated on the basis of the costs set out in the applicable Development Contribution Scheme, in addition to the development costs of the open space.
- 10.3.47. Based on the foregoing, I calculate that the population of the development would be 160 persons (i.e. 95 units x 1.5 persons and 5 units x 3.5 persons). In accordance with the 'overall standard' of 2.4ha per 1000 population, this would equate to a requirement for 3264m<sup>2</sup> open space. The Commission should note that the potential omission of 21 units would result in a reduced 'overall standard' requirement of 3036m<sup>2</sup>. Within that 'overall standard', there is a requirement for minimum 'on-site' provision of 10% of the site area, which would equate to a minimum of 460m<sup>2</sup>.



- 10.3.48. The application outlines that the development would provide 1347m<sup>2</sup> (29%) public open space. Consistent with the SDCC submission, I consider that some parts of the areas identified as 'public open space' (e.g. circulation space, entrances and bicycle parking) should not be included as such, but that the proposal would still comfortably exceed the minimum 10% requirement. However, it would fall short of the overall requirement of 3264m<sup>2</sup> and therefore the Development Plan requires the shortfall to be addressed under COS5 Objective 4 or COS5 Objective 5.
- 10.3.49. The application does not include any proposals in respect of the provision or upgrading of open spaces in accordance with COS5 Objective 4. It does address the question of a financial contribution in lieu of the public open space shortfall as referenced in COS5 Objective 5. However, it contends that any such requirement would be unreasonable given that a generous public open space and high-quality public realm is provided, and the site is within easy walking distance of a Regional Park (Dodder Valley Park).
- 10.3.50. I note that COS5 Objective 5 requires any financial contribution in lieu of public open space to be applied in accordance with the applicable Development Contribution Scheme. I have reviewed the SDCC Development Contribution Scheme 2021-2025 and the only reference it makes to a 'contribution in lieu of public open space' is in the context of the 'Tallaght Local Area Plan Lands', which clearly cannot be applied to the current case. Therefore, I do not consider that a contribution can be applied in accordance with COS5 Objective 5. Furthermore, I do not consider that a special contribution would be justified under Section 48 (2)(c) of the Planning and Development Act 2000, as amended (i.e. 'the Act'), as specific exceptional costs not covered by the Development Contribution Scheme have not been identified.
- 10.3.51. The planning authority has acknowledged that the 'overall standard' has not been met. However, it ultimately agrees with the applicant and states that a contribution in lieu of the overall standard shortfall is not necessary in this instance given the proposed provision on site, the zoning of the site, the proximity of a Regional Park, and the location and size of the site.
- 10.3.52. In addition to the CDP policies, Policy and Objective 5.1 of the Compact Settlements Guidelines outlines that statutory development plans shall include an objective(s) for public open space provision of not less than a minimum of 10% of net site area and

not more than a minimum of 15% of net site area save in exceptional circumstances. The Guidelines also allow for variations on this standard depending on the nature of the site. The 'overall standard' in the CDP would require 3264m<sup>2</sup> public open space, which equates to 71% of the site. This would grossly exceed the Compact Settlement Guidelines maximum standard of 15% and I do not consider that there are any reasonable or exceptional grounds to require >15% in this case.

10.3.53. In conclusion, I am satisfied that the quantity of public open space is acceptable consistent with the SDCC submission, the minimum CDP standard of 10%, and the Compact Settlement Guidelines standard of 10-15%. I acknowledge that it does not meet the CDP 'overall standard'. However, I consider that the CDP requirements (as per sections 8.7.3 and 12.6.10, and COS5 Objectives 4 and 5) are for the minimum 10% on-site provision only, and that provisions relating to the remaining open space requirement in excess of the 10% minimum requirement (i.e. the 'overall standard') are discretionary. I consider that each of these individual provisions must be read in full, including the flexibility/discretion allowed. Accordingly, I do not consider that there would be a material contravention in respect of public open space.

10.3.54. I would concur with the concerns raised in the SDCC submission about the quality of the public open space design in some respects. However, I am satisfied that this can be addressed in agreement as a condition of any permission. The availability of sunlight to open space is considered in section 10.5 of this report. And having regard to the limited scale and height of the development, I do not consider that there would be any other significant microclimatic impacts such as wind etc.

#### Conclusion on residential standards

10.3.55. Having regard to the foregoing, I am satisfied that, subject to conditions, the proposed development would comply with relevant national and local standards and would provide an acceptable standard of residential amenity for future residents. Further assessment of residential amenity/standards will be outlined separately in other sections of this report, including sections 10.5 (Daylight and Sunlight) and 10.6 (Traffic and Transport).

#### 10.4. Impacts on Existing Properties

- 10.4.1. The site is largely surrounded by open space to the north and west and benefits from significant separation distances provided by Firhouse Road to the south. However, Mount Carmel Park (MCP) is a small residential development of 2-storey houses to the northeast and the third-party submissions include several concerns about impacts on the residential amenity of these properties. These issues are considered in the following sections.

##### Separation Distances

- 10.4.2. In section 10.3 of this report, I have previously outlined the separation provisions of section 12.6.7 of the CDP and SPPR1 of the Compact Settlement Guidelines. I consider that these provisions apply to existing properties as well as blocks / properties within the proposed development.
- 10.4.3. The application demonstrates that Block 1 would be distanced c. 19.5 metres from No. 28 MCP and c. 22.5 from No. 1 MCP. I note that No. 1A and the associated separation distance has not been shown on the site layout plan. However, having reviewed the SDCC planning register (Ref No. SD17A/0279), I note that 1A has a stated distance of 6.714m to the site boundary to the west. Measurement of the submitted drawings shows that the proposed Block 1 would be >10 metres from the western site boundary of 1A, thereby ensuring a combined distance of >16 metres.
- 10.4.4. Therefore, the proposed development would be >16m from existing properties in accordance with SPPR1 of the Compact Settlement Guidelines. And while it would not provide a 22-metre distance as per the CDP 'benchmark', I have previously outlined that reduced distances can be accepted and that there would be no material contravention in respect of s. 12.6.7 or Policy H11 Objective 4 of the CDP. In conclusion, I am satisfied that the proposed separation distances are acceptable in principle, subject to further assessment of amenity impacts.
- 10.4.5. However, if the Commission is minded to grant permission and considers that clarification of the separation distance to 1A is required, and/or that all parties should be given the opportunity to consider the implications of the Compact Settlement Guidelines, this may be addressed as part of a 'limited agenda' Oral Hearing addressing other matters discussed in this report.

### Overlooking and privacy

- 10.4.6. Having regard to the aforementioned separation distances, together with the existence of a public road between Block 1 and the existing MCP properties, I do not consider that there would be any unacceptable overlooking of the existing windows in the MCP properties.
- 10.4.7. The private amenity spaces associated with the closest MCP properties primarily comprise front/side gardens which immediately adjoin the public realm. Any rear gardens (serving Nos. 28, 1A, and 1) are setback further, the closest being the space to the rear of 1A MCP at a distance of c. 19 metres from Block 1. Given that the front/side gardens already adjoin the public realm, together with the separation distance and existing screening around the rear garden spaces, I am satisfied that the proposed development would not result in any unacceptable overlooking of any private amenity spaces.

### Overbearing

- 10.4.8. Overbearing impacts are generally dependant on the height and scale of the proposed development and its separation distance from existing properties. I have already outlined that the proposed separation distances are acceptable in principle.
- 10.4.9. The proposed development has only limited direct visual opposition with existing properties. Block 1 is a maximum of 5 storeys (c. 15.9m height) for a short distance opposite the side elevation of 1A MCP and then reduces to 3 storeys (c. 10.5m high) with setback 4<sup>th</sup> storey (c. 12.7m high) opposite No. 28 MCP. The 4th storey would have only limited visibility above the predominant 3-storey height. In comparison, the existing properties at MCP are 2-storey houses with heights of c. 8 metres.
- 10.4.10. Having considered the height/scale of existing and proposed development, the proposed separation distances, and the limited extent of direct visual opposition for existing properties, I do not consider that the proposed 3-4 storey heights would result in any unacceptable overbearing impacts for the existing properties. I acknowledge that the proposed 5-storey element would have more pronounced impacts opposite 1A MCP and would benefit from reduction. This is discussed further in section 10.9 of this report.

## Noise and Disturbance

- 10.4.11. Concerns have been raised about noise and disturbance associated with the balconies and roof gardens. At the outset, I would highlight that the site has an established commercial use, including the operation of a public house adjoining the MCP properties up until recent years. Therefore, it could reasonably be argued that the proposed development would represent a reduction in noise and disturbance for local residents.
- 10.4.12. The application includes a 'Planning Stage Noise Assessment' which considers impacts on existing properties with respect to construction impacts and operational impacts (Traffic and M&E Plant). It proposes that the construction and operational plant impacts will effectively be controlled within the site through mitigation/design measures to comply with relevant noise limits at the site boundary. The operational traffic impacts are assessed based on the guidance outlined in the 'UK Design Manual for Roads and Bridges, Volume 11, Section 3, Part 7', under which the predicted increase in the traffic noise levels is considered 'negligible'.
- 10.4.13. I acknowledge that a specific assessment has not been carried out for the balconies and roof gardens. However, I consider that any activities associated with these spaces would be consistent with residential use and should not be considered seriously injurious to existing residential amenity.
- 10.4.14. I also note that the applicant's assessment does not examine impacts at existing properties, including No. 1A MCP. However, I am satisfied that the applicant's approach assesses the source of noise generation and aims to apply appropriate mitigation measures to maintain acceptable noise levels within the confines of the site, where necessary. I consider this to be an acceptable approach as an alternative to assessing noise levels at existing residential properties.
- 10.4.15. In conclusion, having regard to the existing and historical uses on the site, the nature and scale of the development and the mitigation measures proposed, and to the nature and extent of existing development in the area, I am satisfied that the proposed development will not result in any unacceptable noise impacts.

### Other Issues

- 10.4.16. Concerns have been raised that light and air pollution would negatively impact on local properties. This is a brownfield site within the built-up area of Dublin adjoining the Firhouse Road and close to the M50 Motorway. Having regard to the expected baseline conditions for light and air, I do not consider that the proposed development is of a nature or scale that would cause significant additional pollution. The highest potential for such pollution would relate to dust generation at construction stage. However, this is a standard aspect of urban development, and I consider that this and other construction stage impacts can be satisfactorily addressed through the agreement of a Construction and Environmental Management Plan (CEMP).
- 10.4.17. I note concerns that the proposed development would cause increased vermin problems for MCP. However, I do not consider that there are any reasonable indications or evidence that this would occur.
- 10.4.18. Concerns about anti-social behaviour are mainly based on a perceived substandard layout with inadequate passive surveillance. However, I consider that the proposed blocks satisfactorily overlook the open spaces and circulation routes and that there is no reasonable indication that anti-social behaviour would be encouraged.

### Conclusion

- 10.4.19. I have outlined my support for the redevelopment of the site in accordance with the proper planning and sustainable development of the area, and it is inevitable that this will have impacts on surrounding properties. However, I have considered the impacts associated with the development and I do not consider that this would result in any unacceptable effects subject to the further consideration of building height and the conditions suggested. Similarly, I do not consider that the proposed development would seriously injure the amenities of the area to such an extent that would adversely affect the value of property.
- 10.4.20. Other impacts on surrounding properties relating to daylight/sunlight and traffic and are considered in the following sections of this report (sections 10.5 and 10.6 respectively).

## 10.5. Daylight & Sunlight

- 10.5.1. The third-party submissions outline concerns about the impact of the development on light to the MCP properties, while the SDCC members have also raised concerns about light standards for the proposed development. This section considers the daylight and sunlight standards/impacts for both the proposed development and existing properties/spaces.

### Policy & Standards

- 10.5.2. Section 3.2 of the Building Height Guidelines outlines that the form, massing and height of proposed developments should be carefully modulated so as to maximise access to natural daylight, ventilation and views and minimise overshadowing and loss of light. The Guidelines state that '*appropriate and reasonable regard*' should be taken of quantitative performance approaches to daylight provision outlined in guides like the BRE (BR 209) 'Site Layout Planning for Daylight and Sunlight' (2nd edition, 2011) or BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'. Where a proposal may not be able to fully meet all the requirements of the daylight provisions above, this must be clearly identified and a rationale for any alternative, compensatory design solutions must be set out, in respect of which the planning authority or An Coimisiún Pleanála should apply their discretion.
- 10.5.3. The Sustainable Urban Housing Design Standards for New Apartments Guidelines (2023) also highlight the importance of providing acceptable levels of natural light. Planning authorities are advised to weigh up the overall quality of the design and layout of the scheme and the measures proposed to maximise daylight provision with the location of the site and the need to ensure an appropriate scale of urban residential development. Planning authorities should ensure appropriate expert advice and input where necessary and '*have regard*' to quantitative performance approaches to daylight provision outlined in guides like A New European Standard for Daylighting in Buildings EN17037 or UK National Annex BS EN17037 and the associated BRE Guide 209 2022 Edition (June 2022), or any relevant future guidance specific to the Irish context. Again, where an applicant cannot fully meet all of the requirements of the daylight provisions above, this must be clearly identified and a rationale for any alternative, compensatory design solutions must be set out, which planning authorities should apply their discretion in accepting.

- 10.5.4. More recently, the Compact Settlement Guidelines also acknowledge the importance of daylight and sunlight, both within the proposed development and in the protection of existing residential amenities. In cases where a technical assessment of daylight performance is considered necessary, '*regard should be had*' to quantitative performance approaches to daylight provision outlined in guides like A New European Standard for Daylighting in Buildings IS EN17037:2018, UK National Annex BS EN17037:2019 and the associated BRE Guide 209 2022 Edition (June 2022), or any relevant future standards or guidance specific to the Irish context. In drawing conclusions in relation to daylight performance, planning authorities must weigh up the overall quality of the design and layout of the scheme and the measures proposed to maximise daylight provision, against the location of the site and the general presumption in favour of increased scales of urban residential development.
- 10.5.5. At local policy level, the CDP outlines that residential developments '*shall be guided by*' the quantitative performance approaches and recommendations under the 'Site Layout Planning for Daylight and Sunlight' (2nd edition): A Guideline to Good Practice (BRE 2011) and BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting' and / or any updated guidance.

#### Information and Methodology

- 10.5.6. The application is accompanied by a 'Daylight & Sunlight Report' prepared by OCSC Consulting Engineers which considers impacts/standards for existing and proposed properties. The analysis has been based on the BRE guidelines (2011), BS 8206, and the more recent EN 17037: 2018. This is consistent with the standards referenced in the CDP and the Building Height Guidelines.
- 10.5.7. I acknowledge that the updated Apartments Guidelines and the Compact Settlement Guidelines refer to other more recent guidance/standards. However, both Guidelines refer to guides '*like*' those quoted, and I am satisfied that the guidance/standards used by the applicant are '*like*' those quoted and are appropriate to consider in this assessment.
- 10.5.8. At the outset, I would also highlight that the standards described in the BRE guide allow for flexibility in terms of application. Paragraph 1.6 of the guide states that the advice given '*is not mandatory*', '*should not be seen as an instrument of planning*



*policy', and 'Although it gives numerical guidelines, these should be interpreted flexibly since natural lighting is only one of many factors in site layout design'.*

10.5.9. I have considered the report submitted by the applicants and have had regard to the BRE Guide (2011), BS 8206-2:2008, and EN 17037:2018. I have carried out a site inspection and had regard to the interface between the proposed development and its surroundings, as well as the submissions from 3<sup>rd</sup> parties and the planning authority.

#### Daylight to proposed dwellings

- 10.5.10. The applicant's analysis considers BS 8206, which provides advisory numerical targets that represent good practice daylight levels for dwellings. The standard recommends a minimum Average Daylight Factor (ADF) of 2% for kitchens, 1.5% for living rooms and 1% for bedrooms. Where one room serves more than one purpose, the minimum average daylight factor should be that for the room type with the highest value. For example, in a space which combines a living room and a kitchen the minimum average daylight factor should be 2%. Consistent with this approach, the applicant's assessment adopts ADF targets of 1% for bedrooms and 2% for Living / Kitchen (LK) spaces<sup>4</sup> and demonstrates a 100% compliance rate with same.
- 10.5.11. In addition to the BS 8206 standard, daylight levels have also been tested under the EN 17037 standard, which goes beyond the average daylight levels within a space and accounts for the distribution of light within a space. It features two daylight criteria for compliance. Criterion one requires an illuminance of  $\geq 100$  lux for half of the daylight time in a year, across  $\geq 95\%$  of the floor area. Criterion two requires an illuminance of  $\geq 300$  lux for half of the daylight time in a year across  $\geq 50\%$  of the floor area of the given space. The applicant's analysis demonstrates a 98.5% compliance rate against the EN 17037 standard. Only 3 ground floor spaces did not meet the standard, comprising 1 bedroom and 2 kitchen/living rooms.
- 10.5.12. Although the application demonstrates a very high level of compliance with the EN 17037 standard, I would accept that the target daylight levels therein are difficult to achieve, particularly in urban areas and areas with mature trees. The targets do not take into account room use or make allowance for rooms that have a lesser

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<sup>4</sup> The proposed design does not include any separate or 'galley' type kitchens.

requirement for daylight. In any case, I note that the proposal achieves a 100% compliance with the BS 8206 standards, and I am satisfied that these are appropriate standards to apply in this case. Accordingly, I consider that the proposed development would provide an acceptable level of daylight to the proposed apartments.

#### Sunlight to the proposed living spaces

- 10.5.13. Section 3.1 of the BRE Guide outlines that a dwelling will appear reasonably sunlit provided at least one main window wall faces within 90° of due south and the centre of at least one window to a main living room can receive 25% of annual probable sunlight hours, including at least 5% of annual probable sunlight hours in the winter months between 21 September and 21 March. Where groups of dwellings are planned, site layout design should aim to maximise the number of dwellings with a main living room that meets these recommendations.
- 10.5.14. The applicant's analysis considers a total of 364 windows, 73% of which would receive at least 25% of APSH and 78% of which would receive at least 5% of APSH in the winter. It highlights the need to apply the BRE and BS 8206 standards flexibly. It also considers the newer EN 17037 standard which states that windows shall receive a minimum of 1.5 hours of direct sunlight on the test day of March 21<sup>st</sup>, and outlines that the vast majority of windows would comply.
- 10.5.15. I would acknowledge that the sunlight criteria are unlikely to be met for all apartments, particularly where rooms face significantly north of due east or west and where higher density schemes are proposed. Notwithstanding this, I consider that the proposed scheme achieves a high level of compliance with the BRE standards, which are intended to be applied flexibly. And while s. 3.1.7 of the BRE Guide outlines the aim to minimise the number of dwellings whose living rooms face solely north, northeast, or northwest, it also allows for exceptions when there is some compensating factor such as an appealing view to the north, as applies in this case in relation to the Dodder Valley Park. However, I would highlight that the requirements for alternative, compensatory design solutions (as per the Apartments Guidelines and Building Height Guidelines) apply to daylight provisions, not sunlight.

10.5.16. In conclusion, I am satisfied that the proposed development would provide an acceptable level of sunlight to the proposed living areas in accordance with BRE guidance.

#### Sunlight to the proposed open spaces

10.5.17. The applicant's report refers to the BRE Guidelines which recommend that for external amenity spaces to appear adequately sunlit throughout the year, at least half of the garden or amenity space should receive at least two hours of sunlight on March 21<sup>st</sup>.

10.5.18. It demonstrates that well in excess of half of the ground/podium level communal/public open space would receive 2 hours or more of sunlight on March 21<sup>st</sup>. The assessment does not clarify the level of sunlight available to the upper floor roof gardens. However, given their elevated nature and design, together with the absence of significant obstruction in the surrounding environment, I am satisfied that at least half of these roof spaces would receive 2 hours or more of sunlight on March 21<sup>st</sup>.

10.5.19. Although the BRE Guide does not give specific recommendations for balconies, the application assesses the proposed balconies against the benchmark for open amenity spaces. It demonstrates that the vast majority of balconies would receive at least 2 hours of sunlight on March 21<sup>st</sup>.

#### Daylight to Existing Properties

10.5.20. The applicant's report highlights that, in the first instance, if a proposed development falls beneath a 25° angle taken from a point 1.6 metres above ground level from any adjacent properties, then the BRE Guidelines say that no further analysis is required in relation to impact on surrounding properties as adequate skylight will still be available. Using this criterion, the report demonstrates that all properties fall outside the 25° line except for 'sensitive receptor 1' (SR1) in MCP.

10.5.21. However, while 'Figure 29' in the applicant's report applies the 25° line to No. 1 MCP and does not reflect the existence of No. 1A MCP, the report then proceeds to carry out a Vertical Sky Component (VSC) analysis which appears to be based on No. 1A MCP (i.e. as per the photograph shown in Figure 30).

- 10.5.22. The VSC calculation is the ratio of the direct sky illuminance falling on the outside of a window, to the simultaneous horizontal illuminance under an unobstructed sky. The BRE Guide states that if the VSC is  $\geq 27\%$  with the new development in place, then enough sky light should still be reaching the existing window. If the VSC value is under 27%, in order for the window to perceive a negligible impact, the VSC with the proposed development in place should still be  $\geq 80\%$  of its former value.
- 10.5.23. The applicant's report assesses the two ground floor windows in 'sensitive receptor 1' and concludes that the VSC would be at least 29% in both cases, which would exceed BRE Guidelines. However, given the different properties depicted in Figures 29 and 30 of the report, it is unclear if the VSC results relate to No. 1 or No. 1A MCP. I propose to resolve this uncertainty by exploring two scenarios in the following sections.
- 10.5.24. Under scenario 1, using a precautionary approach, I will consider that the windows may have been incorrectly assessed based on the footprint of No. 1 (as per Figure 29), which would result in the closest window being 22.45m from Block 1, which has a height of c. 15.9m at this point. There would not appear to be any significant ground level difference between Block 1 and No. 1 MCP, but I am considering that No. 1 is 300mm lower as a precaution. Based on the angle of obstruction recommendations as per the BRE Guide (from 1.6m above the ground level of No. 1 MCP), I calculate that the angle of obstruction under this scenario would be c.  $33^\circ$ .
- 10.5.25. Under scenario 2, I am considering that the windows have been correctly assessed based on No. 1A (as per Figure 30), which would result in the closest window being  $>16\text{m}$  from Block 1. Furthermore, this scenario also considers the recommendation contained within section 10.9 of this report to remove Level 3 in Block 1, resulting in a lower height of c. 12.75m opposite No. 1A. Based on the angle of obstruction recommendations as per the BRE Guide (from 1.6m above the ground level of No. 1A MCP), I calculate that the angle of obstruction would be c.  $35^\circ$ .
- 10.5.26. Accordingly, even it was a case that the VSC was incorrectly assessed for No. 1 MCP (as per scenario 1), I am satisfied that, subject to the removal of Level 3 in Block 1, a similar obstruction angle would apply to No. 1A MCP (as per scenario 2 above). These obstruction angles ( $33\text{-}35^\circ$ ) would exceed  $25^\circ$ , which would not

require further assessment as per the BRE Guide, and would, in turn, result in similarly acceptable VSC values.

- 10.5.27. However, if the Commission is minded to grant permission and considers that clarification of the assessment of 1/1A MCP is required, this should be addressed as part of a 'limited agenda' Oral Hearing addressing other matters discussed in this report.

#### Sunlight to Existing Properties

- 10.5.28. The applicant's report again refers to the BRE guide which outlines that if a living room of an existing dwelling has a main window facing within 90° of due south, and any part of a new development subtends an angle of more than 25° to the horizontal measured from the centre of the window in a vertical section perpendicular to the window, then the sunlight of the existing dwelling may be adversely affected. This will be the case if the centre of the window receives less than 25% of annual probable sunlight hours (APSH), or less than 5% of APSH between September 21st and March 21<sup>st</sup>, and; receives less than 80% its former sunlight hours during either period, and; has a reduction in sunlight received over the whole year greater than 4% of APSH.
- 10.5.29. Similar to the applicant's daylight assessment, the assessment of sunlight focuses on the two ground floor windows in 'sensitive receptor 1' as the only adjacent property inside the 25° line. The analysis has shown that window 1 will continue to receive the recommended APSH values once the proposed development is built. Window 2 will continue to receive the recommended APSH for the annual period but falls slightly short on the recommended values for the winter period. Therefore, the reduction of its former value (existing scenario) has been calculated, showing that it will be reduced to <0.8 times its former value (i.e. 0.48 times). However, it concludes that the winter APSH (4.1%) is only marginally below the 5% standard and that acceptable sunlight levels will be achieved. I would concur that this involves a relatively minor shortfall for only one window and that sunlight impacts would not be unacceptable in this case.
- 10.5.30. For the reasons as previously outlined in the daylight assessment, it is unclear whether the sunlight assessment has been completed in respect of No. 1 or No. 1A MCP. Again however, I am satisfied that any inaccuracy that may have occurred (i.e.

the incorrect measurement of No. 1 MCP as per 'scenario 1') would effectively be compensated by the removal of Level 3 from Block 1 and its revised relationship with the correct property (i.e. No. 1A MCP as per 'scenario 2'). Under either scenario, I am satisfied that the sunlight impacts would be acceptable in accordance with the applicant's findings and BRE guidance.

- 10.5.31. However, if the Commission is minded to grant permission and considers that clarification of the assessment of 1/1A MCP is required, this may be addressed as part of a 'limited agenda' Oral Hearing addressing other matters discussed in this report.

#### Sunlight to existing gardens and open spaces

- 10.5.32. The BRE Guide recommends that for it to appear adequately sunlit throughout the year, at least half of a garden or amenity area should receive at least 2 hours of sunlight on 21<sup>st</sup> March. If as a result of new development such spaces do not meet this standard, or the area which can receive 2 hours of sunlight on 21<sup>st</sup> March is less than 0.8 times its former value, then the loss of sunlight is likely to be noticeable.
- 10.5.33. The applicant's report includes an analysis of overshadowing impact to surrounding properties for the 21<sup>st</sup> March. In this regard I note that the land to the north and west of the site is being developed as playing fields which would be only marginally affected by any overshadowing. I also note that the gardens associated with MCP properties would not be affected by the proposed development until c. 2pm, which I do not consider to be an excessive or unacceptable sunlight impact.

#### Right to Light

- 10.5.34. I note that concerns have been raised that the proposed development would infringe on the legal 'right to light' of No. 1 MCP. As the issue of determining rights to light is a matter for the Courts, I do not consider that the Commission is in a position to draw any conclusions in relation to the matters raised.

#### Conclusions on Daylight and Sunlight

- 10.5.35. I would again highlight that the standards described in the BRE guidelines allow for flexibility in terms of their application. And while the Apartments Guidelines, the Building Height Guidelines, the Compact Settlement Guidelines, and the SDCDP 2022-2028 outline that regard should be had to the quantitative approaches as set

out in guides 'like' those referenced in this section of my report, the requirements are not mandatory and should be balanced against site constraints and the need to secure wider planning objectives. Accordingly, I do not consider that there would be a material contravention of the CDP in this respect.

10.5.36. While I have identified some lack of clarity in the applicant's documentation, particularly in relation to No. 1A MCP, I am satisfied that there is adequate information available facilitate a robust assessment of the development in accordance with relevant guidance and methodology. In doing so, I have had regard to third-party submissions which have raised concerns in relation to impacts on surrounding properties at MCP.

10.5.37. I have identified the instances where the impacts would not meet BRE criteria, both for existing properties and the proposed development. However, I have highlighted that these instances are extremely limited and, subject to the removal of Level 3 in Block 1, would be justified by the overall design of the proposed scheme and the need to achieve an appropriate density of development at this location in accordance with local and national policy.

10.5.38. Therefore, in balancing the results of this daylight/sunlight assessment, I am satisfied that the impacts are acceptable given the need to achieve wider planning objectives relating to urban regeneration; effective urban design and streetscape solutions; and the need to achieve more compact, sustainable development.

## 10.6. **Traffic & Transport**

10.6.1. The third-party submissions include concerns that public transport services are inadequate and that the proposed development would result in an increased dependency on private cars in an area that already suffers from overspill impacts. They contend that, combined with a lack of car-parking, this will result in adverse traffic congestion and safety impacts.

### Public Transport

10.6.2. The application is accompanied by a Traffic and Transport Assessment (TTA) which considers public transport services. I note that there have been some changes to services since the preparation of the TTA in June 2022 and I have considered these changes in my assessment. The site is served by a number of bus routes serving

stops on Firhouse Road and Ballycullen Road, namely the S6, 49, and 65b. Furthermore, the 54a and 77a routes operate on the N81 to the north of the site and can be accessed via pedestrian infrastructure through Dodder Valley Park and under the M50 junction to the northeast of the site. The high frequency route 15 also operates on the St Colmcille's Way (R113) to the south of the site. The services are summarised in the table below.

**Table 2 – Existing bus services in the area**

<b>Route No.</b>	<b>Route</b>	<b>Weekday Off-Peak Frequency</b>	<b>Average Weekday Peak Frequency</b>	<b>Distance to Nearest Stops</b>
S6	Tallaght – Rathfarnham Shopping Centre – UCD – Blackrock Station	15 mins	15 mins	Adjacent
S8	Citywest – Tallaght – Sandyford Luas – Dún Laoghaire	20 mins	15 mins	c. 1.2km
49	Tallaght – Pearse Street	30 mins	30 mins	c. 150m
65b	Citywest – Poolbeg Street	60 mins	30 mins	c. 150m
54a	Tallaght – Pearse Street	30 mins	30 mins	c. 800m
77a	Citywest – Ringsend	20 mins	20 mins	c. 1.1km
15	Ballycullen Road - Clongriffin	8-12 mins	8-12 mins	c. 1.2km

10.6.3. Compared to service levels at the time of the application, the most significant change has been the introduction of the orbital S6 and S8 services in November 2023 to replace the 75 and 75a services. The higher frequency of the new S6 and S8 offer an enhanced service and allow for connectivity to other public transport services.

10.6.4. I note that the Compact Settlement Guidelines (Table 3.8) classify the accessibility of locations largely based on the proximity and frequency of public transport services. In this regard, I do not consider that the site is within 1,000 metres (1km) walking distance of an existing or planned high-capacity urban public transport node or interchange, nor is it within 500 metres walking distance of an existing or planned BusConnects 'Core Bus Corridor'<sup>5</sup> stop.

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<sup>5</sup> The S6 is not part of a BusConnects Core Bus Corridor Scheme



- 10.6.5. Table 3.8 of the Guidelines defines an ‘accessible location’ as being within 500 metres (i.e. up to 5-6 minute walk) of existing or planned high frequency (i.e. 10 minute peak hour frequency) urban bus services. I note that the S6 and No. 49 services run at 15-minute peak hour frequencies, while the No. 65b frequency is c. 40 mins during peak hours.
- 10.6.6. However, the Guidelines advise that assessment should be informed by assessment of the capacity and wider network accessibility of public transport services (number of options, capacity and peak hour frequency) and the journey time to significant destinations. In this regard I note that the local services (S6, 49, 65b) provide a combined frequency of less than 10 minutes within 500 metres of the application site. In addition, I have also considered the wider availability of existing/planned services and connections to other modes of public transport. This includes the other services referenced in Table 2 above, as well as proximity and/or connections to other services/infrastructure such as Core Bus Corridors (Templeogue/Rathfarnham and Tallaght/Clondalkin), the Luas Red Line and the DART. On this basis, I am satisfied that the area can be classified as an ‘accessible location’.
- 10.6.7. Having considered the limited scale of the proposed development relative to existing population in the area and the level of existing and planned public transport services offered, I do not consider that the proposed development would generate an excessive or unacceptable load on the capacity of public transport, or that it would materially contravene the CDP in this respect.
- 10.6.8. However, my assessment of public transport services has considered the provisions of the Compact Settlement Guidelines which post-date the application as previously discussed. Therefore, if the Commission is minded to grant permission, it may wish to have the implications of the Guidelines considered as part of a ‘limited agenda’ Oral Hearing addressing other matters in this report.

#### Road Network

- 10.6.9. The TTA outlines that due to the COVID-19 pandemic and associated restrictions on travel, historical classified junction turning count survey data from 2017 was obtained for the 4-arm Firhouse Road/ Ballycullen Road/ Mount Carmel Park signalised junction. Due to the age of this data, it was also decided to obtain more recent classified junction turning count survey data from 2019 for the 3-arm Firhouse Road/

Knocklyon Road signalised junction to the east of the site. Having noted the general consistency between the data from 2017 and 2019, the TTA concludes that the 2017 data represents typical pre-COVID-19 conditions and provides a suitable baseline from which to establish the traffic impact of the proposed development.

- 10.6.10. In addition, I note that an updated survey was carried out in 2023 as part of the LRD application (ABP Ref. 319568-24). The total vehicles counted in both the AM and PM peak hours in 2023 was lower than the respective 2017 totals. Accordingly, I am satisfied that the 2017 data is appropriate to use as a 'worst case' scenario.
- 10.6.11. The Traffic Impact Analysis in the TTA adjusts the 2017 baseline figures through the application of appropriate growth factors to determine YoO (Year of opening – 2023) and YoO+15 (2038) traffic flows under the 'do nothing' and 'do something' scenarios. For this assessment, growth factors have been determined from the TII's Project Appraisal Guidelines for National Roads Unit 5.3 – Travel Demand Projections, October 2021. Consistent with the findings of the historical baseline surveys, I note that the forecasted baseline figures in the current application (2019-2038) are lower than those forecast in the more recent LRD application (2023-2041).
- 10.6.12. The TTA predicts that the proposed development will generate totals of 45 trips in the AM Peak and 41 trips in the PM Peak, which is then assigned onto the local road network based on the traffic flows identified by the traffic surveys. The TTA considers the impact of traffic flows on the analysed junctions, i.e., the 3-arm site access junction and the 4-arm Firhouse Road/ Ballycullen Road/ Mount Carmel Park Signalised Junction. Due to the low additional traffic generated at both junctions, i.e. no more than 5% additional traffic in any assessment year, more detailed analysis in the form of traffic modelling has not been deemed necessary in support of the proposed development. I note that this conclusion is consistent with the guidance on appropriate thresholds as per the TII TTA Guidelines (2014) and I would concur that the limited impact would not require further assessment.
- 10.6.13. Regarding access arrangements, it is proposed to access the development from Firhouse Road at a location consistent with an existing access. The former access off Mount Carmel Park will be removed and no future vehicular access is proposed at this point. A Stage 1 & 2 Road Safety Audit (RSA) has been included in the TTA. It

identified 3 no. problems with the draft layout and all the recommendations to address these problems have been accepted by the Applicant and Designer.

- 10.6.14. Visibility splays at the new junction will accord with DMURS, with in excess of 49 metres of sightlines provided in each direction along Firhouse Road. The TTA also includes a DMURS Compliance Statement which appropriately addresses carriageway widths, corner radii, pedestrian facilities, servicing/delivery set-down, and surface materials/finishes.
- 10.6.15. Having reviewed the TTA, including the RSA and DMURS Compliance Statement, as well as the other drawings and details submitted, I am satisfied that the proposed access and other road arrangements have been appropriately designed and will not result in any unacceptable traffic hazards.
- 10.6.16. In addition to the operational traffic, I acknowledge that construction-related traffic and parking is an evitable and standard feature of urban development. However, I am satisfied that proposals to address this matter can be satisfactorily agreed as a condition of any permission.

#### Pedestrian / Cycle Connections

- 10.6.17. There are existing cycle lanes and footpaths along Firhouse Road and Ballycullen Road. There are no cycle/pedestrian facilities along the western side of MCP. There is a wide network of such linkages further north within the Dodder Valley Park and the application highlights plans to provide a shared surface link with cycle markings along MCP from the site to the park.
- 10.6.18. The application will provide improved pedestrian access around the entire southern and eastern site perimeter, as well as providing a range of pedestrian routes within the development. Cyclist access is via the main site access junction which in turn provides access to a dedicated cycle ramp and cycle parking facilities at basement level. The application outlines that this will allow easy cyclist access to and from the proposed shared surface at MCP which will link to the greenway network (proposed as part of the Greater Dublin Area Cycle Network Plan) to the north of the site.
- 10.6.19. I note that the SDCC submission suggests that the public realm area adjacent to the Firhouse Road shall be redesigned to provide for improved cycle facilities. I would concur with this suggestion and am satisfied that this can be achieved through

agreement as a condition of any permission. Subject to such agreement, I am satisfied that the pedestrian and cycle facilities will be appropriate for the development.

#### Car Parking

10.6.20. The TTA outlines that the proposed development includes 80 no. parking spaces comprising 63 no. residential spaces and 17 no. commercial spaces (including 4 no. drop-off bays for the creche). The residential spaces will be allocated on a permit basis (including 3 no. accessible spaces). One staff parking space is allocated to serve the creche and each of the 5 commercial units, equating to 6 spaces in total (including 1 accessible space). The creche will be facilitated with 4 drop-off/pick-up bays and the remaining 7 spaces are allocated to commercial customer parking. The drawings indicate that 17 of the spaces (>20%) will cater for electric vehicles, while full upgrade will be facilitated as demand arises.

10.6.21. The Development Plan (s. 12.7.4) applies maximum parking provision which should not be viewed as a target as lower rates may be acceptable. It sets out standards for Zone 1 (general rate) and Zone 2 (more restrictive rates for 'residential' and 'non-residential' development). Zone 2 is not spatially demarcated but rather is characterised as follows:

**Zone 2 (Non Residential):** More restrictive rates for applications within town and village centres, lands zoned REGEN, and brownfield / infill sites within Dublin City and Suburbs settlement boundary within 800 metres of a train or Luas station and within 400-500 metres of a high quality bus service (including proposed services that have proceeded to construction).

**Zone 2 (Residential):** More restrictive rates for application within town and village centres, lands zoned REGEN, and brownfield / infill sites within Dublin City and Suburbs settlement boundary within 400-500 metres of a high quality public transport service (includes a train station, Luas station or bus stop with a high quality service).

10.6.22. Having regard to the brownfield nature of the site; its designation as a 'Local Centre'; its location within Dublin City and Suburbs settlement boundary; and the 'high quality' bus services at this location as previously discussed in this section of the report; I am satisfied that the site should be considered within 'Zone 2'.

10.6.23. Tables 12.25 and 12.26 of the CDP outline car parking standards for Zone 2 and a comparison between the maximum CDP requirements and the proposed development is outlined in the table below.

**Table 3 – County Development Plan Car Parking Standards**

<b>Unit Type</b>	<b>No. of Units</b>	<b>CDP Standard (spaces per unit)</b>	<b>Maximum Spaces</b>	<b>Proposed Spaces</b>
1-bed	49	0.75	36.75	63
2-bed	46	1	46	
3-bed	5	1.25	6.25	
<b>Total Residential</b>			<b>89</b>	<b>63</b>
Creche	2 classrooms	0.5 per class	1	1 (Excluding drop-off)
Medical Unit	4 consulting rooms	1.5 per consulting room	6	3
Office	30 sqm	1 per 75 sqm	0.4	1
Café	58 sqm	1 per 20 sqm	2.9	3
Betting Office	66 sqm	Unspecified. Retail (Convenience) by default (1 per 25 sqm)	2.6	3
Barber Shop	28 sqm	Unspecified. Retail (Convenience) by default (1 per 25 sqm)	1.1	2
<b>Commercial Total</b>			<b>14</b>	<b>13</b>
<b>Grand Total</b>			<b>103</b>	<b>76</b>

10.6.24. As per the above table, the *residential* parking would not exceed the maximum CDP standard allowable. The proposed 63 spaces would provide a ratio of 0.63 spaces to each apartment, or c. 72% of the maximum standard. The Commission should also note that the potential omission of 21 residential units would result in a reduced maximum residential allowance of 71.25 spaces and an overall (residential & commercial) allowance of 85.25 spaces, with which the proposed development would comply.

10.6.25. In any case, the CDP supports a lower parking rate subject to the consideration of stated criteria. I consider that the proposed development satisfactorily addresses these criteria, and that the parking ratio is acceptable having regard to the following:

- I have previously outlined satisfaction with the proximity to public transport and the quality of the service it provides.
- Section 10.2 of this report has outlined my satisfaction with the level of existing and proposed social and community infrastructure in the area to serve day-to-day needs.
- The TTA includes a Framework Residential Travel Plan which outlines measures to promote sustainable travel choices and reduce car dependency. I am satisfied that it is robust and achievable subject to the agreement of final details.
- Given the location and proximity of surrounding services, I consider that there is a reasonable ability to facilitate needs in single journeys.
- The level of car-dependent uses is considered acceptable.
- There is reasonable proximity and connectivity to employment centres.
- The RTP includes measures to review demand for car club / share spaces. The non-residential uses are also likely to be busier during the daytime and have potential to accommodate residential overspill at other times. Some of the non-residential uses are also appointment-based and would therefore be shared.
- I have previously outlined that the surrounding road network can cater for the increased traffic.

10.6.26. In addition to the above *residential* requirements, Chapter 4 of the Apartments Guidelines addresses car-parking requirements. I have previously outlined my conclusion that this is an 'accessible' urban location, and the Guidelines outline the default policy is for parking provision to be minimised, substantially reduced or wholly eliminated in certain circumstances. Given the circumstances in this case, I am satisfied that the parking ratio would be appropriate.

10.6.27. In cases where reduced parking is accepted, the Apartment Guidelines states that it is necessary to comply with certain criteria, many of which have already been

covered by the criteria in section 10.6.25 of this report. Again, I am satisfied that any additional criteria would be satisfactorily addressed having regard to the following:

- Drop-off/pick-up facilities for the creche are provided at basement level adjoining the creche. I note that third-party concerns have been raised about the proposals, but I am satisfied that they are adequate and that any potential traffic interference with MCP can be satisfactorily prevented through appropriate operational management and restrictions.
- The commercial parking spaces are envisaged to facilitate deliveries by small commercial vehicles from time to time. A set-down area is proposed at surface level to accommodate refuse collection and larger delivery vehicles if necessary.
- Residents will be able to book a visitor space from the commercial parking areas with the management company outside of commercial business hours.
- A total of 8 no. motorcycle spaces are provided.
- Adequate bicycle parking will be provided as discussed later in this section.

10.6.28. Finally on *residential* parking, the Compact Settlement Guidelines (SPPR 3) outlines car parking standards for different area categories based on location and accessibility. For 'accessible' locations, it outlines that parking provision should be substantially reduced, the maximum rate being 1.5 no. spaces per dwelling where such provision is justified to the satisfaction of the planning authority. The proposed development would not exceed this rate, and I am satisfied that the proposals would be justified for the reasons previously outlined. Furthermore, SPPR 3 would allow significantly higher parking rates compared to the CDP, and it does not materially impact on my assessment of the application.

10.6.29. As per Table 3 above, I note that the proposed *commercial* parking (13 spaces) would not exceed the maximum CDP standard (14 spaces). Furthermore, the combined residential and commercial proposals (76 spaces) would not exceed the CDP maximum standards for the entire development (103 spaces).

10.6.30. I acknowledge the third-party concerns about overspill parking, much of which appears to emanate from existing problems associated with the Dodder Valley Park. However, the application cannot reasonably be expected to address any existing problems and the removal of existing parking on site should be welcomed in the

interests of compact sustainable development. Furthermore, although I acknowledge the need to consider varying parking demands, I did not witness any evidence of parking problems at the time of my inspection over the Easter break when the park was busy. Ultimately, having regard to the foregoing, I am satisfied that adequate parking would be provided to serve the proposed development. The parking can be appropriately managed in accordance with the strategy submitted and I do not consider that there would be unacceptable safety/congestion impacts for residents, emergency/utility services, or others, or that there would be any material contravention of the CDP in this regard.

### Bicycle Parking

10.6.31. Table 12.23 of the CDP sets out Minimum Bicycle Parking / Storage rates for all new development, which are summarised in the table below.

**Table 4: CDP Bicycle Parking standards**

Unit Type	No. of Units	Minimum Required		Proposed	
		Long term	Short stay	Long term	Short stay
<b>Apartment</b>	100	156 (1 per bedroom)	50 (1 per 2 apts)	156	50
<b>Creche</b>	1	1 (1 per 5 staff)	2 (1 per 10 children)	5	16
<b>Medical Unit</b>	1	1 (1 per 5 staff)	2 (0.5 per consulting room)	3	6
<b>Office</b>	30 sqm	1 (1 per 200 sqm)	1 (1 per 200 sqm)	3	4
<b>Café</b>	58 sqm	1 (1 per 5 staff)	2 (1 per 10 seats)	3	6
<b>Betting Office*</b>	66 sqm	1 (1 per 5 staff)	1 (1 per 50 sqm)	3	6
<b>Barbers*</b>	28 sqm	1 (1 per 5 staff)	1 (1 per 50 sqm)	3	6
<b>Sub Total</b>		<b>162</b>	<b>59</b>	<b>176</b>	<b>94</b>
<b>Total</b>		<b>221</b>		<b>270</b>	

\* Unspecified in the CDP, retail standards applied by default.



- 10.6.32. Having regard to the above, I am satisfied that the proposals comfortably exceed the stated CDP standards in all cases. Standards would be exceeded further still if 21 units are omitted in accordance with the recommendations of this report.
- 10.6.33. In terms of the residential requirements in national policy/guidelines, I would highlight that the standards outlined in the Apartments Guidelines are consistent with the CDP standards. I also note that SPPR 4 of the Compact Settlement Guidelines requires a general minimum standard of 1 cycle space per bedroom as well as an unspecified quantum of visitor cycle parking. Having regard to the table above, I am satisfied that the proposals satisfactorily address SPPR 4, but that it does not materially affect my assessment.
- 10.6.34. In addition to the quantitative requirements, I acknowledge the need for appropriate location and design of cycle parking in accordance with CDP standards and national policy/guidance. The majority of proposed spaces (226) will be provided at the upper basement level to cater for residential (long term and visitor) and staff parking needs. A further 44 no. short-stay cycle parking spaces are proposed at surface level, 16 no. in the vicinity of the creche and 28 no. in the forecourt area to accommodate visitors to the ground floor commercial units. The basement parking is accessed via a dedicated cycle ramp and will have suitable proximity and accessibility. The ground level spaces would also be suitably located and the TTA confirms that these will be covered spaces. I note that the SDCC report recommends confirmation of the provision of covered spaces, and I am satisfied that any outstanding design issues can be agreed by a condition of any permission.

### Conclusion

- 10.6.35. In conclusion regarding traffic and transport, I am satisfied that the proposed development would be adequately serviced by public transport in terms of the proximity, frequency, and capacity of existing services, as well as their links to other modes of public transport and planned improvements for sustainable travel in the area. I do not consider that the level of traffic generated by the proposed development would significantly impact on the capacity of the road network and I am satisfied that adequate levels of car/cycle parking and other active travel / mobility management measures have been incorporated into the development. Furthermore, I do not consider that the traffic movements would interfere with the safety of traffic

or other vulnerable users. Accordingly, subject to the conditions discussed in this section, I consider that the traffic and transport proposals are acceptable and consistent with applicable local policy and national guidance.

## **10.7. Water Services**

### Wastewater and water supply

- 10.7.1. Although the third-party submissions include concerns about the impacts of the development on existing sewerage capacity and water supplies, the submission from Irish Water confirms that the development is feasible without the need for infrastructural upgrades. Irish Water has no objections subject to standard connection agreements and the protection of existing assets on site.
- 10.7.2. The application is accompanied by a Water Services Report which details the foul drainage and water supply proposals. All foul drainage is to be drained by gravity via a minimum 225mm sewer system connection to the existing public sewer which runs north along Mount Carmel Park. The foul collection system has been designed based on a peak flow of 6 DWF (Dry Weather Flow) assuming a discharge of 180 litres per person and an average of 2.3 persons per apartment/unit. Capacity calculations for the main foul sewers are included in Appendix A of the Water Services Report.
- 10.7.3. Water supply proposals include the rationalisation of existing watermains through the provision of new watermains to be located on the Firhouse Road. It is stated that a diversion application has been registered with Irish Water and that a Diversion Agreement was issued by Irish Water as of the 11th May 2022 (included in Appendix G of the Water Services Report). Expected water demand calculations outline a 'Peak Demand for Design' of 2.58 l/s.
- 10.7.4. Having regard to the foregoing and the limited scale of the proposed development, I am satisfied that, subject to compliance with the standard requirements of Uisce Eireann, the proposed development would not have any significant impacts on water supply or foul drainage capacity.

### Surface Water

- 10.7.5. The Water Services Report outlines that the proposed stormwater drainage strategy is to collect all run-off from roofs, upper-level garden areas, ground level paved

areas and trafficked areas and to discharge to the public sewer network located on Mount Carmel Park.

10.7.6. The main storm sewers serving the proposed development have been designed to cater for predicted 1 in 5-year rainfall intensities with minimum velocities of 1.0m/s and a maximum of 3.0 m/s. Surface waters shall be prevented from entering the basement as far as is reasonably possible with the provision of channel collection at all ground level entry points. Any residual basement surface water will be collected via an independent gravity system and directed to a pump sump. Prior to entering the pump sump all surface water will be treated for suspended solid and hydrocarbon removal through a Class 1 Bypass Separator.

10.7.7. The drainage strategy follows the principles of Sustainable Urban Drainage Systems (SuDS) as set out in CIRIA document C753 'The SuDS Manual'. Specifically, the Best Management Practices (BMP's) for the control of surface waters, as prepared by Dublin Corporation and as set out in their document 'Storm Water Management Policy for Developers 1999', has been used. The design has been evaluated in terms of the guidance provided by the South Dublin County Council Sustainable Drainage Explanatory Design & Evaluation Guide 2022 (SDEDEG). The design of the surface water drainage network will take cognisance of the objectives and guidance contained in the Greater Dublin Strategic Drainage Study (GDSDS). A key part of the design strategy is limiting the amount of post-development run-off below the Mean Annual Peak Flow (QBAR) associated with the lands in their pre-development state. The site has been treated as a 'greenfield' site and the pre-development run-off is calculated as 1.57 l/s. Limiting the post development flow to that of the pre-development run-off is to be achieved by means of a throttle in the form of a "Hydrobrake" flow control device on the outfall pipe. The impact of limiting the run-off to that of the pre-development QBAR rate results in a requirement for the storage of the excess flows in storm events. A climate change allowance of 20% has been factored into calculations while a 0% 'urban creep' factor is applied for apartment development.

10.7.8. SuDS Quantity Management considers the capacity of the development to accommodate surface water run-off. Each of the roof and open space areas have been subjected to the suite of storm intensities and durations from 30 minute to 24 hours for a 1 year return up to a 100-year return event. The resulting storage

requirements are presented in Appendix C of the Water Services Report, which demonstrates that each area will cater for its respective critical 1:30 year events without flooding given their specific allowable discharge rate.

10.7.9. SuDS Quality Management acknowledges that a key aspect of SuDS is the requirement to treat all surface waters for the removal of contaminants prior to discharge. The Pollution Hazard Risk associated with the proposed development is rated 'Low to Very Low' and the proposals include a range of measures to mitigate water quality risks to the receiving waters. These measures include the interception of rainfall and the removal of suspended solids and other pollutants, including trapped gullies/collectors; non-woven geotextile membranes; a sub-base granular layer or a soil filtration layer; and a Class 1 Petrol Interceptor.

10.7.10. With regard to Surface Water Impact Assessment, the Water Services Report acknowledges GDSDS criteria to be considered in the design of new developments, as follows:

River Water Quality Protection: The proposed measures will improve the quality of the water prior to discharge.

River Regime Protection: Surface water discharge flow rate will be restricted to an equivalent greenfield run-off rate of 1.57 l/s, which will be a significant reduction on the current discharge rate from the site and will have a reducing effect on the receiving waters of the Dodder River.

Level of Service (Flooding) Site: A risk assessment has been completed, as will be discussed in later paragraphs of this section.

River Flood Protection: As previously outlined, the discharge rate will have a reduced effect on the receiving waters of the Dodder River.

10.7.11. I note that the SDCC submission recommends clarification on some surface water details, including the replacement of attenuation by concrete tanks with SuDS measures; the existing pipes on site; the maximum discharge rate of 1.5L/S; that basement level car parking shall pass through a Class 2 petrol interceptor; and discharge to the foul drainage network in accordance with the Greater Dublin Regional Code of Practice. Subject to the agreement of these details by condition, I

am satisfied that the proposed surface water drainage strategy is acceptable and will not result in any significant run-off issues in terms of water quantity or quality.

### Flooding

10.7.12. The applicant's Water Services Report also includes a Flood Risk Assessment. It considers a range of information sources on various types of flooding as follows:

#### *Fluvial (River Dodder)*

- Historic Ordnance Survey mapping does not identify the area as being 'Liable to Flooding'.
- OPW records do not indicate recorded flood events on the site.
- Mapping associated with the Eastern CFRAMS and the SDCC Development Plan SFRA identify the site as being outside the flood zone of the Dodder River.

#### *Coastal*

- No predicted impact due to the distance from the coast.

#### *Pluvial*

- The SFRA for SDCC Development Plan 2022- 2028 has provided draft Flood mapping for predicted flooding for the 1% AEP flood event. No Pluvial Flooding indicated within or adjacent the proposed development site.
- The proposed development has been designed with the ground floor level of the habitable buildings at 74.20m – 0.5m above the highest level of the site.
- Pluvial flooding is not deemed a risk to this development.

#### *Groundwater*

- As per GSI data, the proposed development is 3.7 kms from the nearest recorded event at Ballymount Park.

10.7.13. Based on the above, the applicant's FRA concludes that the proposed development is located within a Flood Zone C and therefore deemed acceptable under the Flood Risk Management Guidelines. The FRA also considers the flood risk of infrastructural failure within the development and outlines a range of measures (particularly SuDS) to satisfactorily address this matter.

10.7.14. I note that the third-party submissions include concerns about ongoing flooding issues for existing properties. However, having regard to the foregoing, including the

flood records and characteristics of the site and surrounding area, together with the design and mitigation measures included in the development, I am satisfied that the proposed development would be acceptable on the subject site (Flood Zone C) in accordance with the provisions of the Flood Risk Management Guidelines and would not result in an unacceptable risk of flooding to other land or properties in the surrounding area.

#### Other water-related issues

- 10.7.15. The third-party submissions include a concern that there is inadequate evidence to demonstrate that the foundation works will not disrupt the Dodder River and there may be bedrock issues. However, having regard to the scale and design of the development; its distance from the River Dodder; and the findings of the applicant's Surface Water Impact Assessment; I am satisfied that there would be no significant impacts on the quality or regime of the River Dodder. Furthermore, the Construction Environmental Management Plan outlines borehole information (particular to a location where the M50 crosses over the Dodder at Balrothery Bridge) which indicates bedrock depth in the range of 24 to 26.5m. There will be a required bulk excavation to a formation level of c 4.0m below existing ground level in order to form the basement carpark. It is therefore predicted that this will be significantly above the existing bedrock level and that no significant impacts will occur.
- 10.7.16. I acknowledge that the Development Plan (Policy GI3, Objectives 1 & 2) requires development proposals within riparian corridors to be subjected to assessments of hydromorphology, flood risk management, biodiversity, ecosystem service provision, and water quality. The application site is only partially and marginally within the riparian corridor for the Dodder as per the CDP and is already developed and distanced from the Dodder itself. Having regard to details already outlined in this section of my report, together with the biodiversity issues considered in the following section (10.8 Biodiversity), I am satisfied that sufficient information (including the Ecological Impact Assessment, EIA Screening Report, AA Screening Report, and Water Service Report) has been provided to facilitate a comprehensive assessment of the issues raised in Policy GI3, Objectives 1 & 2. Furthermore, I am satisfied that there would be no unacceptable impacts with regard to any of these matters.

## 10.8. Biodiversity

10.8.1. I note that the third-party submissions raise concerns about impacts on biodiversity based on the size and height of the development; the ecological importance of Dodder Valley Park; sewerage and drainage impacts; and construction-related impacts. These matters are considered further in this section with reference to the information submitted with the application and my inspection of the site. The potential impacts on Natura 2000 sites are considered separately in section 12 of this report.

### Designated Sites & Habitats

10.8.2. The applicant's Ecological Impact Assessment Report (EclAR) acknowledges a total of 24 proposed National Heritage Areas (pNHAs) recorded within 15km of the proposed development, the closest being the River Dodder pNHA around 180m to the north of the application site.

10.8.3. The habitats within the site itself are described as 'buildings and artificial surfaces', the loss of which is deemed to be 'negligible'. The EclAR also highlights that there are no watercourses which connect the site and other more sensitive areas. Other habitats in the surrounding area (River Dodder, treelines, and woodlands) are acknowledged as Ecologically Sensitive Areas (ESAs), but no impacts are predicted for these areas.

10.8.4. I would concur that the development would not result in the loss of any significant habitat and that there is limited connectivity to the surrounding ESAs. I acknowledge the potential for impacts on the River Dodder and its associated species via surface water at construction and operational stages. However, consistent with the submissions from Inland Fisheries Ireland and the Department of Housing, Local Government and Heritage, I am satisfied that these impacts would not be significant subject to the proposed mitigation measures and the conditions of any permission.

### Bats

10.8.5. Two surveys of all potential bat roosting habitats (i.e. the existing buildings and the mature trees near the site) were undertaken. The surveys found that while there was no evidence of bat habitation within the Firhouse Inn buildings, some of these buildings may offer suitable habitat. It was noted also that the mature trees

immediately adjacent the site could also provide roosting habitat for bats. However, a later survey (August 2021) found no potential roost features in these trees and a further survey undertaken in April 2022 found no evidence of bat habitation within these trees or any of the structures on the site.

- 10.8.6. The EclAR acknowledges some possible minor adverse impact upon bat populations, particularly the loss of potential roost habitat associated with the removal of the Firhouse Inn buildings. It recommends that pre-construction surveys (as outlined in an accompanying bat report) should be carried out by appropriately qualified specialists before any works at this site and concludes that construction impacts would be negligible. If bats are confirmed, the EclAR acknowledges that works cannot proceed until an NPWS derogation licence is obtained. However, the Commission should note that the Firhouse Inn buildings have already been removed on foot of the recent LRD permission.
- 10.8.7. The EclAR also acknowledges that the lighting scheme of the proposed development may have a significant impact on bats. It recommends that an ecologist has input into the external lighting plan for the development to ensure the correct positioning and models of lighting columns are installed and the mature treeline habitats around the development are not impacted by light overspill.
- 10.8.8. I note that the above recommendations are consistent with the submission from the Department of Housing, Local Government and Heritage. Subject to the inclusion of such mitigation measures as a condition of any permission, I am satisfied that any significant adverse impacts would be avoided.

#### Mammals

- 10.8.9. The EclAR outlines that no evidence of activity of any protected mammal species was found during surveys. It acknowledges that the National Biodiversity Data Centre database shows records of 8 no. terrestrial mammal species, of which 5 no. species are protected (Otter (*Lutra lutra*), Badger (*Meles meles*), West European Hedgehog (*Erinaceus europaeus*), Pygmy Shrew (*Sorex minutus*) and Eurasian Red Squirrel (*Sciurus vulgaris*)). However, it concludes that no impacts are predicted on any of these species as no suitable habitat will be lost; none of the species utilise the site; and the operational phase will not have any impacts.



10.8.10. I would concur with these findings regarding the lack of suitable habitat on site. And while I acknowledge that mammal species may use the surrounding ESAs, I do not consider that there would be any significant adverse impacts associated with the proposed development as a result of disturbance or otherwise. Any impacts would occur in an existing built-up environment where noise, lighting and other disturbances are common. Furthermore, the surrounding Dodder Valley area offers a wide range of more suitable habitats to accommodate any disturbed mammals.

#### Birds

10.8.11. A breeding bird survey of the buildings and adjoining trees was carried out in April 2022. No evidence of any bird nesting activity was found during the site surveys. No bird nesting habitat such as trees, shrubs or scrub occurs within the site, but the existing buildings could offer nesting habitat to a number of bird species such as House Martin (*Delichon urbica*) or Swallow (*Hirundo rustica*). The EclAR acknowledges that construction activity could cause injury or death to nesting birds.

10.8.12. In order to avoid any impacts to bird species, the EclAR recommends that the buildings are made secure following the bird nesting season (March-August inclusive). This is in order to prevent birds carrying out nesting activity at this site. If works are to take place within the bird nesting season, it is also recommended that a preconstruction survey is carried.

10.8.13. I would concur that the site offers limited suitable habitat for birds, particularly now that the majority of buildings have been demolished. The mitigation measures will suitably secure the remaining buildings during nesting season. Consistent with the submission from the Department of Housing, Local Government and Heritage, nesting boxes should be provided and the pruning of trees along the rear boundary should also be carried out outside the bird breeding season.

10.8.14. I acknowledge the height and scale of the proposed development. However, having regard to the limited bird activity recorded in surveys, and the location of the site within the existing built-up area, I do not consider that there would be any unacceptable risks in respect of bird collision.

### Other Habitats / Species

- 10.8.15. The EclAR outlines that no impacts are predicted on any other habitats or species / groups (e.g. invertebrates, reptiles, amphibians) primarily due to the lack of any suitable habitat for these species/groups within the site.
- 10.8.16. The EclAR acknowledges Sycamore and *Buddleja davidii* as non-native invasive species of medium risk but does not consider that either species will impact on the project. No impacts are predicted as a result of other invasive species (e.g. Knotweeds) as none were recorded on site, and it is deemed highly unlikely that any other invasive species will become established prior to development of the site.
- 10.8.17. The application is supported by an Arboricultural Report. It confirms that the development does not require the removal of any trees. It also includes proposals to ensure the protection and maintenance of adjoining trees during the construction and operational stages of the development. I am satisfied that any impacts on existing trees would be acceptable.

### Green Space Factor

- 10.8.18. Section 4.2.3 of the CDP outlines that the quantity and quality of green infrastructure (GI) provided by new development will be improved by the implementation of a Green Space Factor (GSF). The GSF is a measurement that describes the quantity and quality of landscaping and GI across a defined spatial area. This measurement comprises a ratio that compares the amount of green space to the amount of impermeable 'grey' space in a subject site and is used to assess both the existing green cover within a site and the impact of new development.

- 10.8.19. GI5 Objective 4 is:

*To implement the Green Space Factor (GSF) for all qualifying development comprising 2 or more residential units and any development with a floor area in excess of 500 sq m. Developers will be required to demonstrate how they can achieve a minimum Green Space Factor (GSF) scoring requirement based on best international standards and the unique features of the County's GI network. Compliance will be demonstrated through the submission of a Green Space Factor (GSF) Worksheet (see Chapter 12: Implementation and Monitoring, Section 12.4.2).*

10.8.20. Chapter 12, section 12.4.2 provides further detail on the requirements for the GSF as part of planning applications, which are summarised as follows:

- Qualifying developments are required to reach the minimum GSF score established by their land use zoning.
- Developers will be required to specify the GSF measures included within a proposed development as part of the submitted Green Infrastructure Plan and Landscape Plan.
- To facilitate the evaluation of the GSF score the Council will make available a Green Space Factor Worksheet which will be required to be submitted with a qualifying planning application.
- A Green Space Factor Guidance Note will also be made available on the Council's website under the Development Plan section setting out the applicable weightings and scorings.
- This will allow developers to calculate the overall site area and the surface areas of contributing to the GSF to see whether a proposed development achieves the required minimum score.
- Where applicable, a completed worksheet shall be submitted with the Green Infrastructure Plan and Landscape Plan in support of a proposed development.

10.8.21. Consistent with the above, I note that the SDCC website includes a 'Green Space Factor Guidance Note' including a GSF Worksheet. The Guidance Note is dated 3<sup>rd</sup> of August 2022, the date when the SDCCDP 2022-2028 came into operation (application lodged 10<sup>th</sup> June 2022). The minimum GSF score for the 'LC' zoning for the application site is 0.5.

10.8.22. In response to the foregoing, the applicant's 'Statement of Consistency' outlines that a 'Green Infrastructure Plan' is included together with a 'Landscape Design Rationale & Statement of Response'. It contends that this outlines compliance with Green Infrastructure policies and that a hierarchy of open spaces is proposed to connect with existing open spaces to significantly enhance the green infrastructure network.

10.8.23. I have reviewed the documents and drawings submitted with the application, including the 'Green Infrastructure Plan' and 'Landscape Design Rationale &

Statement of Response' (LDRSR). The LDRSR acknowledges the GSF requirements of the Draft CDP. However, it would appear that the SDCC 'Green Space Factor Guidance Note' and 'Worksheet' was not available at the time of making the application (10<sup>th</sup> June 2022).

10.8.24. Accordingly, the LDRSR outlines that the 'Southampton City Council Green Space Factor Guidance Notes' provides a worksheet tool which can be filled in with areas and volumes by design teams to come up with an applicable GSF for the site area and design measures. It states that measures with corresponding value factors identified in the Southampton worked spreadsheet tool which have been incorporated in the submitted design proposals for this scheme include extensive and intensive green roofs, permeable paving, semi-permeable surfaces, long grassland, shrubs, trees with SuDS tree pits, trees in deeper soil etc. It states that substantive measures have been taken in the design proposals to protect and retain the existing trees on the adjacent site, including providing a planted buffer between them and the elevation walls of the proposed building.

10.8.25. However, notwithstanding the above, the application does not include any details of the Southampton GSFs or the score for the proposed development. I have reviewed the Southampton City Council website<sup>6</sup>, and I note that a new GSF Guidance Note/Tool was prepared in 2024. This application was submitted in 2022 and therefore the earlier 2015 version for Southampton City Council would appear to have been used. I can confirm that the 2015 version uses different GSFs compared to the South Dublin County Council GSFs and therefore the GSF score would not be transferrable in any case.

10.8.26. The SDCC CE Report outlines that the proposed GI measures would improve the existing site conditions. And in consideration of the timing of the application in terms of the commencement of the Development Plan between the application and the decision and the availability of the measuring tool for GSF, the CE Report concludes that it would be unreasonable to require the calculation of the GSF in this application. The Planning Authority confirms that it is satisfied with the level of Green Infrastructure provision and compliance with relevant objectives.

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<sup>6</sup> Accessed 24<sup>th</sup> July 2025

10.8.27. In conclusion, I would acknowledge the procedural difficulties arising between the lodgement of the application (10<sup>th</sup> June 2022) and the apparent availability of the GSF Guidance/Tool (3<sup>rd</sup> August 2022). However, notwithstanding the planning authority comments on this matter, I consider that the CDP 2022-2028 clearly outlines the requirement to submit GSF calculations in accordance with Policy GI5 Objective 4 and section 12.4.2. The application does not include such calculations and, accordingly, I consider that this amounts to a material contravention of the Development Plan.

#### Conclusion

10.8.28. Having regard to the foregoing, I am satisfied that, in principle and subject to conditions, the proposed development would not result in any unacceptable biodiversity impacts. However, from a procedural perspective, I have outlined that the absence of GSF calculations in accordance CDP requirements would amount to a material contravention of the CDP.

10.8.29. The issue of Green Space Factor and compliance with Policy GI5 Objective 4 and section 12.4.2 of the CDP was not raised in the Material Contravention Statement submitted by the applicant. The Commission, therefore, cannot invoke section 37(2)(b) of the Planning and Development Act 2000 (as amended) and is precluded from granting permission. However, if the Commission is minded to grant planning permission and considers that clarification is required on this matter, this may be addressed by way of a 'limited agenda' Oral Hearing as per Section 18 of the Planning and Development (Housing) Residential Tenancies Act 2016.

### **10.9. Building Height, Density, Design, & Visual Amenity**

#### Proposed Height and Density

- 10.9.1. I acknowledge that third-party submissions have outlined concerns about the proposed height and density of the development. The concerns are generally based on impacts on local services and infrastructure; the character of the area (CDP Policy H13 Objective 5); and the amenity value of the Dodder Valley.
- 10.9.2. The proposed development includes two blocks with a maximum height of 3-5 storeys over lower ground floor and basement levels. It is proposed to construct 100

residential units within a stated site area of 0.46 ha, which results in a stated density of 217 uph.

- 10.9.3. However, the proposed density requires reconsideration in accordance with Appendix B of the Compact Settlement Guidelines. On this basis, the site area for density purposes should be reduced commensurate with the residential GFA (7,852m<sup>2</sup>) as a portion (i.e. 95.6%) of the overall GFA (8207m<sup>2</sup> excluding basements). Therefore, I consider that a reduced net site area of c. 0.44 ha would result in an increased net density of 227 uph.

#### Policy on Building Height and Density

- 10.9.4. Chapter 3 of the *Building Height Guidelines* (2018) outlines a presumption in favour of buildings of increased height in urban locations with good public transport accessibility. It outlines broad principles for the consideration of proposals which exceed prevailing building heights, including the extent to which proposals positively assist in securing National Planning Framework objectives of focusing development in key urban centres, and the extent to which the Development Plan/LAP comply with Chapter 2 of the Guidelines and the NPF. SPPR 3 outlines that, subject to compliance with the criteria outlined in section 3.2 of the Guidelines, the planning authority may approve such development, even where specific objectives of the relevant development plan or local area plan may indicate otherwise.
- 10.9.5. In relation to suburban locations, section 1.9 of the Guidelines promotes at least 3-4 storeys in suburban areas and section 3.6 states that 4 storeys or more can be accommodated alongside existing larger buildings, trees and parkland, river/sea frontage or along wider streets. Section 3.7 outlines that such patterns are appropriate for both infill and greenfield development and should not be subject to specific height restrictions. SPPR 4 outlines that in greenfield or edge of city/town locations planning authorities must secure the minimum densities for such locations set out in 'Sustainable Residential Development in Urban Areas'<sup>7</sup> or any amending or replacement Guidelines; a greater mix of building heights and typologies; and avoid mono-type building typologies, particularly, but not exclusively so in any one development of 100+ units.

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<sup>7</sup> Since replaced by the 'Compact Settlement Guidelines' (2024)

- 10.9.6. The *Apartments Guidelines* (2023) states that ‘Central and/or Accessible Urban Locations’ are generally suitable for small- to large-scale (will vary subject to location) and higher density development (will also vary), that may wholly comprise apartments. ‘Intermediate Urban Locations’ are generally suitable for smaller-scale (will vary subject to location), higher density development that may wholly comprise apartments, or alternatively, medium-high density residential development of any scale that includes apartments to some extent (will also vary, but broadly >45 dwellings per hectare net).
- 10.9.7. More recently, the *Compact Settlement Guidelines* (2024) set out policy and guidance in relation to the planning and development of urban and rural settlements, with a focus on sustainable residential development and the creation of compact settlements. It is intended that the Guidelines should be read in conjunction with other guidelines (including the Building Height Guidelines and the Apartments Guidelines) where there is overlapping policy and guidance. Where there are differences between these Guidelines and Section 28 Guidelines issued prior to these guidelines, it is intended that the policies and objectives and specific planning policy requirements of these Guidelines will take precedence.
- 10.9.8. At the local policy level, the *SDCDP 2022-2028* generally supports consolidation/intensification of development through height and density in accordance with national policy and subject to detailed assessment of impacts. Policy CS6 Objective 4 promotes higher densities (50+ units per hectare) subject to meeting qualitative standards at appropriate locations, in urban built-up areas, especially near urban centres and / or high-capacity public transport nodes.
- 10.9.9. Section 5.2.7 of the CDP outlines that the Building Height and Density Guide (BHDG) forms the primary policy basis and toolkit to employ the delivery of increased building height and density within the County in a proactive but considered manner. It contains a detailed set of performance-based criteria for the assessment of developments of greater density and increased height and provides a series of detailed notional development scenarios for various site contexts providing for specific guidance criteria around contextual appropriateness. It states that the approach to building height and the BHDG will be driven by its context.

10.9.10. Policy QDP Objective 1 outlines that proposals will be assessed in accordance with the BHDG, and Policy QDP Objective 2 is to proactively consider increased building heights in a range of zones (including LC – Local Centre) in line with national guidance and the BHDG.

#### Assessment

10.9.11. Having regard to the policy context outlined above, I consider that the CDP has appropriately had regard to the Apartments Guidelines and the Building Height Guidelines and does not place any maximum limit on height or density for the subject site. Policy CS6 Objective 4 does promote higher densities (50+ units per hectare), which the proposed density (227 uph) would significantly exceed. And while QDP8 Objective 2 proactively supports increased building heights on lands zoned ‘LC – Local Centre’, the CDP ultimately supports a contextual approach to assessment based on the performance-based criteria set out in the BHDG. Therefore, the height and density of the development should be assessed in accordance with the CDP BHDG, as well as the provisions of the Compact Settlement Guidelines (2024) which replaced the Sustainable Residential Development Guidelines (2009) after the CDP was adopted.

10.9.12. Policy and Objective 3.1 of the Compact Settlement Guidelines is that the recommended residential density ranges are applied within statutory development plans and in the consideration of individual applications, and that these density ranges are refined further at a local level using the criteria set out in Section 3.4 where appropriate.

10.9.13. The site is part of the Dublin City Suburbs, and I consider that it comes within the classification of ‘City – Suburban/Urban Extension’ as per Table 3.1 of the Guidelines. It is a policy and objective of the Guidelines that residential densities in the range 40 dph to 80 dph (net) shall generally be applied at suburban and urban extension locations in Dublin, and that densities of up to 150 dph (net) shall be open for consideration at ‘accessible’ suburban / urban extension locations (as defined in Table 3.8. As previously outlined in section 10.6 of this report, I consider that this location can be classified as ‘accessible’ in accordance with the Guidelines. Accordingly, I consider that densities of up to 150 dph are ‘open for consideration’ as



per Table 3.1 of the Guidelines. I acknowledge that the proposed density of 227 uph would exceed this range.

- 10.9.14. While Policy and Objective 3.1 of the Guidelines recommends that the density ranges are applied, it also recommends that they should be refined further at a local level using the criteria set out in Section 3.4 where appropriate. Furthermore, while the Commission is required to have regard to this Policy & Objective, it is not obliged to apply it (as is the case with SPPRs). Section 3.2.1 also outlines that flexibility is offered so that planning authorities can operate a plan-led approach and take the circumstances of a plan area or an individual site into account as part of the decision-making processes prescribed under the Act. Accordingly, I consider that the Commission has scope to permit >150 dph subject to further refining and assessment.
- 10.9.15. Section 3.4 of the Guidelines recommends that the ranges should be refined having regard to: (Step 1) Proximity and Accessibility to Services and Public Transport; and (Step 2) Considerations of Character, Amenity and the Natural Environment.
- 10.9.16. Regarding 'Step 1', the Guidelines outline that planning authorities should encourage densities at or above the mid-density range at the most central and accessible locations in each area, densities closer to the mid-range at intermediate locations and densities below the mid-density range at peripheral locations. As previously outlined, I am satisfied that this is an 'accessible' location where densities at the upper end of the range (i.e. 150 dph) should be considered.
- 10.9.17. Regarding the 'Step 2' considerations, I would state the following:

(a) Local Character

The immediate surrounding area is mainly characterised by smaller scale residential development and open space. The majority of development on site has been recently demolished and has been bound by temporary hoarding. Therefore, the redevelopment of the site would certainly be encouraged.

I acknowledge that the proposed development would be different in character and scale to existing development. In particular, I consider that there is an abrupt height transition between the existing 2-storey development at MCP to the east and the 5-storey height of Block 1. However, subject to the removal of Level 3 in

both blocks (20 units), I consider that the maximum height of 4 storeys would be acceptable given the separation distances as previously discussed in section 10.4 of this report.

Furthermore, having regard to the brownfield and commercial nature of the site, together with its 'standalone' LC zoning where increased building height is proactively considered (QDP8 Objective 2 of CDP), I consider that the site has the capacity to accommodate change and define its own character. Accordingly, subject to the removal of Level 3 in both blocks, I am satisfied in principle that the development can be accommodated without seriously detracting from local character.

(b) Historic Environments (built and landscape heritage)

The proposed development involves demolition of existing buildings, and I acknowledge CDP provisions relating to 'Vernacular / Traditional and Older Buildings, Estates and Streetscapes' as per Policy NCBH21. However, I do not consider that the buildings to be demolished (including those already demolished on foot of the LRD permission) contribute to the character, setting, or amenity value of the area. Accordingly, I would have no objection to the proposed demolition.

The site is not located within or adjoining any designated Architectural Conservation Areas. I acknowledge the closest Protected Structures in the surrounding area (RPS Nos. 246, 283, 284, 285). However, I am satisfied that the proposed development is adequately distanced and screened from these structures to ensure that there will be no adverse impact on their architectural heritage value.

I acknowledge the scale of the application site and its location within the zone of notification for the archaeological monument (RMP): DU022-103---- House – 18<sup>th</sup> / 19<sup>th</sup> century. However, consistent with the submission from the Department of Housing, Local Government and Heritage, I am satisfied that any impacts would be appropriately mitigated through further assessment and testing as a condition of any permission.

As per section 6.3.3 of this report, the site is within the 'Urban' landscape character area as per the CDP, which is not defined as an 'area of sensitivity'.

However, the Dodder Valley to the north is classified as 'High' sensitivity and I acknowledge CDP provisions to protect its value (including Zoning Objective 'HA', Policy NCBH8, and Policy NCB12), as well as third-party concerns in this regard. The application includes a Visual Impact Assessment (VIA) and Verified Photomontages which consider the impact of the development from 12 surrounding viewpoints (V1-V12). The VIA does not consider any of the impacts from the selected viewpoints to be anything more than 'moderate', i.e., *'An effect that alters the character of the environment in a manner that is consistent with the existing and emerging trends'*.

However, having reviewed the documentation and inspected the site, I would have concerns about the excessive height of the development given its prominent position and its relationship with existing development and the wider surrounding landscape. I acknowledge that the photomontages (e.g. View 12) incorrectly show trees to the west of 1A MCP and I have discounted any such inaccuracies in my assessment. However, subject to the removal of Level 3 in both blocks, I am satisfied that the proposed development can be accommodated without any significant adverse impacts on townscape / landscape character.

(c) The Environment and Protected Habitats and Species

As outlined, in sections 10.8 and 12 of this report, I am satisfied that the proposed development would not result in any unacceptable impacts on protected habitats and species.

(d) Residential Amenities

As outlined in sections 10.4 and 10.5 of this report, I am satisfied that any impacts on residential amenity would be satisfactorily addressed by the removal of Level 3 in both blocks.

(e) Water Supply and Wastewater Networks

As outlined in section 10.7 of this report, I am satisfied that there would be no unacceptable impacts on water supply or wastewater networks.

10.9.18. In addition to the 'Step 1' and 'Step 2' considerations outlined above, Section 4.4 and Appendix D of the Compact Settlements Guidelines outline 'Key Indicators of Quality Design and Placemaking' to be applied in accordance with Policy and Objective 4.2. The 'Key Indicators' are considered under the following headings.

(a) Sustainable and Efficient Movement

As outlined in section 10.6 of this report, I am satisfied that this is an 'accessible' location and that the proposed development has been suitably designed to facilitate sustainable and efficient movement.

(b) Mix and Distribution of Uses

As outlined in section 10.2 of this report, I am satisfied that the proposed mix of uses is acceptable in accordance with 'LC - Local Centre' zoning objective for the site. And as per section 10.3, I am satisfied that the proposed mix of dwelling types is acceptable.

(c) Green & Blue Infrastructure (GBI)

As outlined in sections 10.7 and 10.8 of this report, the application does not include any significant GBI features. There are significant GBI features associated with the adjoining Dodder Valley, but I am satisfied that the application includes appropriate surface water and biodiversity measures to ensure that these features will be adequately protected. However, I have identified a material contravention of the CDP in respect of the absence of Green Space Factor calculations.

(d) Public Open Space

As outlined in section 10.3 of this report, I am satisfied that an appropriate quantity and quality of public open space would be provided.

(e) Responsive Built Form

The application includes an Architectural Design Statement. In summary, it outlines that:

- The architectural vision aims to reference both contemporary housing and historic industrial buildings associated with Dublin's riverlands.
- Form and scale are an interpretation of historic mill buildings; tall narrow volumes with pitched roofs, among groupings of small-scale ancillary structures and chimney elements.
- Pitched roofs and chimneys are also a common feature of the surrounding housing estates.

- The scale distinguishes the proposed development from the surrounding housing and is considered appropriate for a neighbourhood centre. The commercial podium, setbacks, and stepped massing help to mediate the difference in scale.
- Massing is concentrated in 2 primary block forms and steps down to the NE and SW corners to integrate with surrounding development.
- The commercial podium and public open space provide strong frontage onto the Firhouse Road. The contrasting materiality and formal composition of the podium identifies it as a non-residential destination, with a civic and commercial purpose as a backdrop to the open space.
- The 5-storey element of Block 1 forms a modest landmark at the junction.
- The use of redbrick materiality for the proposed residential blocks is a reference to the local palette.
- The own-door duplex units and creche along MCP are deliberately expressed as terraced townhouses, with brick details used to emphasise the verticality of their internal accommodation.

With the exception of the proposed building height as previously discussed, I am generally satisfied with the proposed design strategy and built form. I would also have concerns about the excessive use of red brick finishes and would recommend that the internal podium facing elevation of Block 2 should be replaced with an alternative buff-coloured brick in order to soften the massing of the overall development and provide a more suitable transition compared to existing development.

Subject to these amendments, I am satisfied that the proposal would form a legible and coherent urban structure with landmark buildings/features at this key 'Local Centre' site.

Subject to the further agreement of open space and cycle lane details as previously discussed, the proposed open space and pedestrian/cycle facilities along the southern and eastern site perimeters would strengthen the urban structure through the provision of linkages, and these would be appropriately overlooked by active frontage with well-defined building edges.

- 10.9.19. Having regard to the foregoing provisions of the Compact Settlement Guidelines, I am satisfied that the proposed development can be accommodated on the site subject to the suggested changes. The removal of Level 3 would omit 20. no apartments in addition to a ground level apartment in Block 2 which is to be replaced by commercial space. The revised total of 79 no. dwellings on a net site area of 0.44 ha would result in a reduced density of 179 dph. I acknowledge that this still exceeds the 150 dph figure referenced in the Guidelines, but I am satisfied that this can be accepted having regard to the flexibility of the Guidelines as previously discussed.
- 10.9.20. Following the consideration of the Compact Settlement Guidelines, the relevant provisions of the CDP are now considered. It should be noted that much of the relevant assessment criteria is similar in both documents. Therefore, where appropriate, reference will be made to my foregoing assessment.
- 10.9.21. Section 12.5.2 of the CDP outlines that applications for new development shall be accompanied by a statement detailing how ‘the plan approach’ has been taken into consideration and incorporated into the design of the development, including the materials and finishes proposed, and demonstrating how the eight overarching principles for the achievement of successful and sustainable neighbourhoods have been addressed.
- 10.9.22. Section 3.7 of the applicant’s Architectural Design Statement addresses this requirement, as is summarised and assessed in the following table.

**Table 5 – Compliance with the CDP ‘Plan Approach’**

<b>Principle</b>	<b>Applicant’s Proposals</b>	<b>Assessment</b>
Context	Analysis of the context and architectural character has informed the site layout and architectural strategy to ensure the proposed development remains grounded in its context and does not appear incongruous or out of place.	Acceptable subject to amendments – as per section 10.9.17 (a) of this report.
Healthy Placemaking	There will be a sense of place, providing safe, attractive, useful residential and commercial spaces, as well as enhanced	Acceptable standard of development with appropriate open space

	public open green spaces for people to spend time, relax and play.	and transport provisions – see s. 10.3 – 10.5.
Connected Neighbourhoods	Non-residential uses provide a destination for the local community. Improvements to the pedestrian infrastructure allow for stronger connectivity with the local area, including Dodder River Valley.	The proposed uses are appropriate for the Local Centre and will be appropriately connected. See s. 10.2 & 10.6.
Public Realm	Includes an accessible public open space and improved connections to public transport and cycling infrastructure. The space incorporates generous pathways, seating, playspaces, and planting, and encourages greater connectivity and permeability for all.	Acceptable subject to amendments. See s. 10.3 and 10.6.
Delivery of High Quality & Inclusive Development	High quality material finishes and detailing is proposed. Includes 100 high-quality apartments in a scheme that incorporates attractive shared and public open spaces, and is designed in accordance with the Universal Design Statement.	The development is of an appropriate quality and is accessible and inclusive for all.
Appropriate Density & Building Heights	The height is appropriately concentrated to create a modest landmark, and then steps down to MCP. The proposed density can support vibrant, compact, walkable places that prioritise pedestrian movement, reducing the need for car-based travel.	Acceptable subject to amendments. See s. 10.9.19 of this report.
Mix of Dwelling Types	The mix comprises mainly 2-bed units, with some 3-bed units and own-door duplex units along Mount Carmel Park. The remaining are 1-bedroom apartments, so that the development objectives can be achieved within the constraints on massing and heights.	Acceptable as per s. 10.3 of this report.

Materials Colours & Textures	The selection of materials, colours and textures was inspired by the material character of the neighbouring contemporary and historic contexts.	Acceptable subject to amendments. See s. 10.9.18 (e) of this report.
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10.9.23. In addition to ‘the plan approach’ the CDP outlines the need to consider Appendix 10 - ‘Building Height and Density Guide’ (BHDG). Section 4 of the BHDG outlines a contextual analysis toolkit which establishes a set of assessment criteria. The toolkit is intended to facilitate the structuring of a context-led discussion around the design process and assessment of the design excellence of individual projects. The applicant’s Statement of Consistency outlines that the criteria are addressed in the Architectural Design Statement. An analysis of the criteria follows in the table below. Again, there are overlaps between these criteria and the criteria outlined in the Compact Settlement Guidelines and the CDP ‘Plan Approach’. Therefore, where appropriate, reference will be made to my foregoing assessment.

**Table 6 – Compliance with the BHDG Contextual Analysis Toolkit**

Criteria	Assessment
<b>Context</b>	
Is the site well served by public transport with high capacity, frequent service and good links to other modes of public transport by which it links to the wider city and region?	As per section 10.6 of this report, I am satisfied with the level of public transport service.
Has the proposal adopted an approach to urban intensification proportionate to its setting?	The approach is acceptable (subject to amendments) having regard to the LC zoning and the surrounding character context. See s. 10.9.17 (a) of this report.
Is the increased height proposed required for density?	Given the site size / constraints and the need to incorporate non-residential uses, increased height is required to achieve an appropriate density.



<p><b>Setting</b></p> <p>How does the proposal respond positively to its surroundings?</p> <p>Are there specific issues of character, topography or visual impact to which the proposal should respond?</p> <p>How does the proposal make a positive contribution to its context?</p>	<p>The architectural vision and built form are based on the heritage and contemporary character of the area. Subject to the removal of Level 3, the design and layout responds positively to MCP, the Dodder Valley, and Firhouse Road by providing active frontage, open space and pedestrian/cycle links around the site perimeter. The development would make a positive contribution by redeveloping this underutilised site and providing a landmark development to serve local needs. See s. 10.9.17 (a) &amp; (b) of this report.</p>
<p><b>Connections</b></p> <p>Do proposals incorporate new streets to facilitate new links at the local level or improve existing streets and links to local amenities?</p> <p>How does the proposed layout respond to existing streetscape and patterns of development and how are increased heights located in relation to these patterns?</p>	<p>The open space and pedestrian/cycle links around the site perimeter would improve links to local amenities and services, including those within the proposed development.</p> <p>The layout provides an active commercial frontage along Firhouse Road. Subject to amendments, the height and elevational treatment along MCP would also appropriately respond to the existing streetscape.</p>
<p><b>Inclusivity</b></p> <p>Does the proposal provide equitable, people-friendly streets, spaces and uses?</p> <p>Are routes appropriately-scaled and properly located within the urban environment to encourage maximum use by as many people as possible?</p>	<p>The Architectural Design Statement includes an Access Statement which demonstrates compliance with the principles of Universal Design. As per Table 5 above, the development provides streets and spaces which are accessible and inclusive for all. The routes and spaces are of an appropriate scale relative to the site. They are appropriately located and overlooked to encourage maximum use in a safe and accessible manner.</p>

<p><b>Variety</b></p> <p>Does the form of development at higher densities proposed complement or compete with existing built form and local variations of height?</p> <p>Does the increased height proposed facilitate and encourage a wider mix of uses in the development?</p>	<p>Subject to amendments, the proposed height and density would provide an appropriate variation on existing development.</p> <p>Non-residential uses are necessarily provided at ground level. The increased height on the upper floors facilitates the achievement of an appropriate residential density while also accommodating the ground floor uses.</p>
<p><b>Efficiency</b></p> <p>Is the proposed increase in height enabling the optimal use of the land at a sustainable density?</p>	<p>Subject to amendments, the proposal would achieve a sustainable density as outlined in s. 10.9.19 of this report.</p>
<p><b>Distinctiveness</b></p> <p>How does the development preserve, complement or enhance the character of the area and contribute in a positive manner to the visual setting or built heritage of the area?</p>	<p>See s. 10.9.17 (a) and (b) of this report. The development would be distinct from existing development and would form a positive landmark feature at this prominent location.</p>
<p><b>Layout</b></p> <p>Is the overall layout making use of forms of development appropriate to higher densities?</p>	<p>See section 10.9.18 (e) of this report. Subject to amendments, the development would provide responsive built form which is appropriate to higher densities.</p>

<b>Public Realm</b>  How safe, secure and enjoyable are the public areas adjacent to higher buildings, and how has the human scale been taken into account?	As per sections 10.3 and 10.6 of this report, the design and scale of the proposed spaces is acceptable subject to amendments.
<b>Adaptability</b>  Are the buildings and layouts designed to accommodate future change?	The Architectural Design Statement outlines the adaptability of individual apartments to accommodate home working/schooling requirements. The Statement of Consistency also outlines the potential to merge/split apartments if circumstances dictate.
<b>Privacy &amp; Amenity</b>  Has the proposal addressed recognised potential impacts of increased height and densities?	As per sections 10.3 - 10.5 of this report, the privacy and amenity standards would be acceptable subject to conditions.
<b>Parking</b>  Has parking been considered from a people-first perspective?	I am satisfied with parking proposals as per s. 10.6 of this report.
<b>Detailed Design</b>  Have external material finishes and assembly been well considered? Has the relationship between street width and building height been considered?	The detailed design has been considered throughout this report, particularly in s. 10.9.17 & 10.9.18, and in Table 5. Proposals are acceptable subject to amendments.

### Conclusion

10.9.24. Having considered local and national policy and the relevant associated assessment criteria, I have identified concerns about the scale and impact of the proposed development on surrounding properties and the character of the existing townscape / landscape. However, subject to the removal of Level 3 and alterations to the

proposed finishes, I am satisfied that the height and scale of the proposed development would be appropriately reduced to satisfactorily integrate with the existing environment.

10.9.25. The reduced height would also contribute to a reduced density level of 179 dph. The local and national policy context provides flexibility on density standards subject to the consideration of performance-based criteria and contextual analysis. Having considered the site context and the relevant criteria, I am satisfied that a density of 179 dph would be acceptable at this location and would not materially contravene the CDP.

10.9.26. I acknowledge third-party concerns about building height and fire safety/access, but I consider that these matters will be suitably addressed under a separate legal code (i.e. Fire Safety Certificate).

10.9.27. Otherwise, I am satisfied that the detailed design and layout of the proposed development has been appropriately considered to ensure that the proposed development would not seriously detract from the amenities of the area.

10.9.28. My assessment of matters relating to building height, density, design, & visual amenity has not identified any material contravention of the CDP. However, it has considered the provisions of the Compact Settlement Guidelines, which post-date the lodgement of the application. Therefore, if the Commission is minded to grant permission and considers that all parties should be given the opportunity to consider the implications of the Compact Settlement Guidelines, this may be addressed as part of a 'limited agenda' Oral Hearing addressing other matters discussed in this report.

## **10.10. Material Contravention**

### Legislative Provisions

10.10.1. Section 9(6) of the Planning and Development (Housing) and Residential Tenancies Act 2016 outlines that the Commission may grant permission for an SHD even where the proposed development materially contravenes the Development Plan or LAP concerned, except in relation to the zoning of land. In any such case, the Commission must be satisfied that the provisions of section 37(2)(b) of the Act of 2000 would apply, which are as follows:

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

- 10.10.2. The application includes a Material Contravention Statement (MCS) as outlined in section 6.5 of this report. The statement has been referenced in the public notices for the application in accordance with the requirements of the Act of 2016 and the Regulations of 2017. The referenced ‘material contravention’ issues will be discussed in the following paragraphs.
- 10.10.3. However, before assessing the individual issues and provisions, I propose to address the more general question of ‘*strategic or national importance*’ as per s. 37(2)(b)(i) of the Act of 2000. The applicant’s MCS does not outline a detailed justification in this regard, although the ‘Statement of Consistency’ does outline compliance with the NPF (original version) and EMRA RSES 2019-2031.
- 10.10.4. In this regard, I firstly note the classification of the proposed development as ‘strategic housing development’ as per the definition in section 3 of the Act of 2016, as well as the scale of the development comprising 100 residential units, a creche, and other supporting commercial uses.
- 10.10.5. At national level, the NPF supports the future growth and success of Dublin as Ireland’s leading global city of scale, by better managing Dublin’s growth to ensure that more of it can be accommodated within and close to the city. It aims to deliver at least half (50%) of all new homes that are targeted in Dublin within the existing built-

up footprint (NPO 8), and to ensure compact and sequential patterns of growth on under-utilised brownfield sites such as this.

- 10.10.6. At regional level, the Dublin Metropolitan Area Strategic Plan (MASP) in the RSES promotes compact sustainable housing delivery and integrated transport and land use. It seeks to focus on several large strategic sites, based on key corridors that will deliver significant development in an integrated and sustainable fashion. The South - West Corridor runs to the north of the site and aims to regenerate land along the Luas Red Line.
- 10.10.7. At County level, Firhouse is identified as part of a range of local and district centres. The Core Strategy specifically identifies the application site as a 'Housing Capacity Site' in Figure 9 of the Plan.
- 10.10.8. Having regard to the foregoing, I consider that the strategic importance of Dublin and the subject location is reflected at national, regional, and local policy level. Together with the nature and scale of the development; the current national housing shortage; and national policy to substantially increase national housing output as set out in 'Housing For All' and the NPF; I consider that the proposed development would be of strategic and national importance and that a material contravention would comply with the terms of section 37(2)(b)(i) of the Act of 2000. This provision could be applied to all material contravention issues if the Commission wishes to do so.

#### Unit Mix

- 10.10.9. The applicant's MCS outlines that the proposed apartment mix does not comply with H1 Objective 13 of the Draft Plan, given that the total number of three-bedroom units amounts to 5% of the overall total, below the 30% minimum required by H1 Objective 13. The Commission should note that 'H1 Objective 13' as per the Draft CDP was subsequently renumbered 'H1 Objective 12' in the adopted CDP 2022-2028. Notwithstanding this minor numerical change, I am satisfied that the applicant's MCS has adequately identified the substantive issue.
- 10.10.10. However, as outlined in section 10.3 of this report, I do not consider that a material contravention of 'H1 Objective 12' arises given that it includes specific allowances for a lesser provision of 3-bed units, which has been satisfactorily justified in accordance with the criteria cited in 'H1 Objective 12'.

10.10.11. In the event that the Commission considers that there is a material contravention, I have already addressed the provisions of s. 37(2)(b)(i) of the Act of 2000 (above). The provisions of s. 37(2)(b)(ii) – (iv) are addressed hereunder:

S. 37(2)(b)(ii) - The MCS has not identified any conflicting or unclear objectives in the development plan, and I am not aware of any such instances.

S. 37(2)(b)(iii) – The MCS contends that SPPR1 of the Apartments Guidelines states that *‘there shall be no minimum requirement for apartments with three or more bedroom’*; that the proposed development complies in full with same; and that this takes precedence over the CDP.

However, I would highlight that a full reading of SPPR1 includes the provision that *‘Statutory development plans may specify a mix for apartment and other housing developments, but only further to an evidence-based Housing Need and Demand Assessment (HNDA), that has been agreed on an area, county, city or metropolitan area basis and incorporated into the relevant development plan(s)’*.

In this regard, Appendix 11 of the CDP 2022-2028 contains the ‘South Dublin Housing Strategy and Interim HNDA’. Based on the analysis set out in section 6.8 of this document, it recommends that residential developments be required to provide a minimum of 30% 3-bedroom units, unless a deviation can otherwise be justified. This recommendation has been incorporated into ‘H1 Objective 12’ in accordance with the provisions of SPPR 1 of the Apartments Guidelines. Therefore, I do not consider that S. 37(2)(b)(iii) can be applied in this regard.

Section 2.1 of the MCS also contends that in justifying the strategic importance of the scheme (as per s. 37(2)(b)(i)), planning permission can be granted in the context of Section 37(2)(b)(iii) on the basis that the scheme complies with national and regional planning policy. The applicant has not provided any specific justification relating to ‘unit mix’ in this regard, and I do not agree with the premise that compliance with s. 37(2)(b)(i) necessarily demonstrates compliance with s. 37(2)(b)(iii). Therefore, I am not satisfied that S. 37(2)(b)(iii) can be applied in this regard.

S. 37(2)(b)(iv) – The MCS has not referenced any justification in relation to the pattern of development, and permissions granted, in the area since the making of the development plan. However, I would highlight that the Board has granted the LRD

permission (ABP Ref. 319568-24) on this site since the making of the application and the adoption of the CDP 2022-2028. The LRD permission included only 2 no. 3-bed units or c. 2.5% of the 78 no. permitted dwellings. Therefore, I am satisfied that S. 37(2)(b)(iv) could be applied to a grant of permission.

#### Separation Distances and Block Layout

10.10.12. The applicant's MCS refers to s. 13.5.4 and Policy H11 Objective 4 of the CDP and outlines that there are a number of instances where the separation distances between opposing windows, both within and outside of the development, fall below the standards as set out in the CDP. The Commission should note that 'section 13.5.4' of the Draft CDP was subsequently renumbered as 'section 12.6.7' in the adopted CDP 2022-2028. Notwithstanding this numerical change, I am satisfied that the applicant's MCS has adequately identified the substantive issue.

10.10.13. However, as outlined in sections 10.3 & 10.4 of this report, I do not consider that a material contravention of section 12.6.7 of the CDP arises as it describes a 'benchmark' of 'circa 22 metres, in general', and I consider that this section of the CDP (i.e. 'Separation Distances and Block Layout') must be read 'as a whole', including the specific allowances for reduced distances. I also consider that privacy and amenity issues have been adequately addressed and that there would be no material contravention of Policy H11 Objective 4 of the CDP.

10.10.14. In the event that the Commission considers that there is a material contravention, I have already addressed the provisions of s. 37(2)(b)(i) of the Act of 2000 (above). The provisions of s. 37(2)(b)(ii) – (iv) are addressed hereunder:

S. 37(2)(b)(ii) - The MCS has not identified any conflicting or unclear objectives in the development plan, and I am not aware of any such instances.

S. 37(2)(b)(iii) – Section 2.1 of the MCS contends that in justifying the strategic importance of the scheme (as per s. 37(2)(b)(i)), planning permission can be granted in the context of Section 37(2)(b)(iii) on the basis that the scheme complies with national and regional planning policy. As previously outlined, I am not satisfied that compliance with s. 37(2)(b)(i) necessarily demonstrates compliance with s. 37(2)(b)(iii), and I do not consider that the applicant has not provided any specific justification relating to 'separation distances and block layout' in this regard.



However, as outlined in section 10.3 of this report, I would acknowledge that the NPF, the Apartments Guidelines, and the Building Height Guidelines promote performance-based standards with greater flexibility as opposed to the application of minimum standards. The Compact Settlement Guidelines (SPPR1) also preclude requirements for separation distances >16m and allow for <16m subject to design considerations. Accordingly, I am satisfied that s. 37(2)(b)(iii) can be applied in this regard. However, as previously outlined, the Commission may wish to have the implications of the Compact Settlement Guidelines considered as part of a 'limited agenda' Oral Hearing addressing other matters in this report.

S. 37(2)(b)(iv) – The MCS refers to this provision but has not referenced any examples/evidence for justification in relation to the pattern of development, and permissions granted, in the area since the making of the development plan. However, I would highlight that the Commission has granted the LRD permission (ABP Ref. 319568-24) on this site since the making of the application and the adoption of the CDP 2022-2028. The LRD permission included similar separation distances and block layout to the proposed development. Therefore, I am satisfied that S. 37(2)(b)(iv) could be applied to a grant of permission.

#### Other Issues

- 10.10.15. In section 10.8 of this report, I have outlined my opinion that the application does not comply with the requirement to submit Green Space Factor calculations in accordance with Policy GI5 Objective 4 and section 12.4.2 of the CDP, and that this amounts to a material contravention of the Development Plan.
- 10.10.16. I have considered various other issues throughout this report, but I do not consider that any other aspects would materially contravene the CDP.

#### Conclusions on Material Contravention

- 10.10.17. I have acknowledged the two issues identified in the applicant's Material Contravention Statement ('Unit Mix' & 'Separation Distances and Block Layout'), but I do not consider that a material contravention of the CDP arises on either matter. However, if the Commission considers that it does, I consider that planning permission could be granted for the reasons outlined above.

10.10.18. I consider that a material contravention does arise in respect of the absence of Green Space Factor calculations in accordance with Policy GI5 Objective 4 and section 12.4.2 of the CDP. This matter was not raised in the Material Contravention Statement submitted by the applicant. The Commission, therefore, cannot invoke section 37(2)(b) of the Planning and Development Act 2000 (as amended) and is precluded from granting permission. However, if the Commission is otherwise minded to grant planning permission and considers that clarification is required on this matter, this may be addressed by way of a 'limited agenda' Oral Hearing as per Section 18 of the Planning and Development (Housing) Residential Tenancies Act 2016.

#### **10.11. The Local Authority Recommendation**

10.11.1. In section 8.4 of this report, I have acknowledged the SDCC CE Report opinion that the proposed development can be granted subject to conditions. However, having regard to my foregoing assessment, I consider that Green Space Factor calculations have not been submitted in compliance with Policy GI5 Objective 4 and section 12.4.2 of the CDP. This would materially contravene the CDP and has not been included in the applicant's Material Contravention Statement. The Commission, therefore, cannot invoke section 37(2)(b) of the Planning and Development Act 2000 (as amended) and is precluded from granting permission.

### **11.0 Water Framework Directive Screening**

11.1. The impact of the proposed development in terms of the WFD is set out in Appendix 3 of this report. The River Dodder (EPA Name Dodder\_040) is approximately 150 metres north of the site and runs in a northeast direction to the River Liffey estuary (EPA Name: Liffey Estuary Lower, Code IE\_EA\_090\_0300) c. 9km away. The site is underlain by the Dublin Ground Waterbody (EPA code: IE\_EA\_G\_008).

11.2. A Site-Specific Flood Risk Assessment Report is included in the Water Services Report accompanying the application. As outlined in section 10.7 of this report, I consider that there is no unacceptable flood risk associated with the proposed development.

- 11.3. An Appropriate Assessment Screening Report and an Ecological Impact Assessment have been submitted with the application. As outlined in sections 10.8 and Appendix 1 of this report, I am satisfied that there will be no adverse impacts on the ecological status of any relevant water bodies.
- 11.4. As outlined in Appendix 3, the WFD status of the Dodder and Liffey Estuary Lower is 'moderate' and they are 'at risk' of not achieving WFD objectives. Although the WFD status of the Dublin Ground Waterbody is 'good', the risk of achieving WFD objectives is under review.
- 11.5. Appendix 3 outlines a range of potential pathways with the relevant waterbodies and potential impacts at construction and operational stages. I have assessed the proposed development and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration. Having considered the nature, scale and location of the project and associated mitigation measures, I am satisfied that it can be eliminated from further assessment because there is no residual risk to any surface and/or groundwater water bodies, either qualitatively or quantitatively.
- 11.6. The reasons for this conclusion are as follows:
- The nature and limited scale of the proposed works;
  - The distance between the proposed development and relevant bodies, and/or the limited hydrological connectivity;
  - The mitigation measures included as part of the application to address surface water, wastewater, ecology, and construction activity.
- 11.7. I conclude on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal), either qualitatively or quantitatively, or on a temporary or permanent basis, or otherwise jeopardise any water body in reaching its WFD objectives. Accordingly, the proposed development can be excluded from further assessment.

## **12.0 Appropriate Assessment Screening**

### **12.1. Introduction**

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

### **12.2. Compliance with Article 6(3) of the EU Habitats Directive**

The Habitats Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Article 6(3) of this Directive requires that any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. The competent authority must be satisfied that the proposal will not adversely affect the integrity of the European site before consent can be given.

The proposed development is not directly connected to or necessary to the management of any European site and therefore is subject to the provisions of Article 6(3).

### **12.3. Screening the need for Appropriate Assessment**

An AA Screening exercise has been completed (See Appendix 1 of this report). In accordance with Section 177U of the Planning and Development Act 2000 (as amended), and on the basis of objective information provided by the applicant, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on South Dublin Bay and River Tolka Estuary SPA, South Dublin Bay SAC, North Bull Island SPA, North Dublin Bay SAC, or North-west Irish Sea SPA, in view of the conservation objectives of these sites, which are therefore excluded from further consideration. Appropriate Assessment is not required.

This determination is based on:

- The nature and scale of the proposed works and the standard construction and operational practice measures that would be implemented regardless of proximity to a European Site.
- The limited connectivity between the application site and the nearest European Sites as a result of significant distance, dispersal and dilution factors.

The possibility of significant effects on any other European sites has been excluded on the basis of objective information.

No measures intended to avoid or reduce harmful effects on European sites were taken into account in reaching this conclusion.

### **13.0 Environmental Impact Assessment Screening**

13.1. The applicant has submitted an Environmental Impact Assessment Screening Report and a Statement in Accordance with Article 299B(1)(b)(ii)(II)(c) of the Planning and Development Regulations 2001 (as amended). I have had regard to same in this screening assessment. The information provided is acceptable in accordance with Schedule 7 and 7A of the Planning and Development Regulations 2001. The EIA Screening Report identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment.

13.2. 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 including:

Class 10(b):

(i) Construction of more than 500 dwelling units.

(iv) Urban development which would involve an area greater than 2 hectares in the case of other parts of a built-up area (outside a business district).

Class 14:

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

Class 15:

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.

- 13.3. The total number of dwellings (100) would not exceed 500 and the site area (0.46ha) would not exceed 10 hectares. The application is therefore sub-threshold and does not require mandatory EIA. However, the applicant has submitted information in accordance with 'Schedule 7A' and therefore an EIA screening determination regarding the potential for significant effects on the environment is required (see Classes 14 and 15 above).
- 13.4. The criteria within Schedule 7 to the Regulations are relevant in considering whether this proposed development would be likely to have significant effects on the environment that would require EIA.
- 13.5. The predominant residential use (with small-scale commercial uses) would be similar to the surrounding land uses in the area. The proposed development would not increase the risk of flooding, and it would not give rise to significant use of natural resources, the production of waste, pollution, nuisance or a risk of accidents. The development would be served by municipal foul wastewater drainage and water supplies.
- 13.6. Although the site adjoins the 'high' sensitivity of the Dodder Valley landscape, the site itself is not sensitive, and the proposed development can be satisfactorily assimilated subject to the removal of Level 3. The site does not support substantive habitats or species of conservation significance. Bird and Bat surveys have been carried out and have recorded a low level of activity. The Ecological Impact Assessment (including mitigation measures) and Appropriate Assessment Screening Report demonstrate that the biodiversity/ecological value of the Dodder Valley and

the wider surrounding area (including the Natura 2000 network) would also be satisfactorily protected. Subject to archaeological mitigation (further testing/assessment by condition), I am satisfied that the development will not result in a loss of built or cultural heritage.

- 13.7. Section 299B (1)(b)(ii)(II)(A) of the Regulations states that the Commission shall satisfy itself that the applicant has provided the information specified in Schedule 7A regarding the likelihood of significant effects on the environment arising from the proposed development. Sections 3, 4 and 5 of the applicant's EIA Screening Report address the criteria set out in Schedule 7 and 7A. It is my view that sufficient information has been provided within the report and submitted documentation to determine whether the development would or would not be likely to have a significant effect on the environment.
- 13.8. Section 299B (1)(b)(ii)(II)(B) of the Regulations states that the Commission 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* the documents listed in section 3.4 of this report.
- 13.9. With regard to the requirements of Section 299B (1)(b)(ii)(II)(C) of the Regulations, the applicant submitted a standalone 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. I would note that the following assessments / reports have been taken into account:

- The Ecological Impact Assessment and AA Screening Report consider the Habitats Directive and the Birds Directive.
- The applicant's EIA Screening Report has been informed by the water quality status as defined by the monitoring program and assessment undertaken by the EPA pursuant to the obligations to the Water Framework Directive.
- A Site-Specific Flood Risk Assessment is included in the Water Services Report in response to the Floods Directive.
- The Construction Waste Management Plan is included in response to Waste Framework Directive.

13.10. I am satisfied that all relevant assessments have been identified for the purpose of EIA Screening. I also note that the South Dublin CDP 2022-2028 has been subject to Strategic Environmental Assessment under the SEA Directive.

13.11. I have completed an EIA Screening Assessment as set out in Appendix 2 of this report. Therefore, having regard to:

- the criteria set out in Schedule 7, in particular
  - (a) the limited nature and scale of the proposed development, in an established residential area served by public infrastructure
  - (b) the absence of any significant environmental sensitivity in the vicinity
  - (c) the location of the development outside of any sensitive location specified in Article 299(C)(1)(a)(v) of the Planning and Development Regulations 2001 (as amended),
- the results of other relevant assessments of the effects on the environment submitted by the applicant, including the results of the Strategic Environmental Assessment of the South Dublin County Development Plan 2022-2028 under the SEA Directive,
- the features and measures proposed by applicant envisaged to avoid or prevent what might otherwise have been significant effects on the environment, including measures identified in the Construction and Environmental Management Plan, Construction Waste Management Plan, Water Service Report, Operational Waste Management Plan, Building Life



Cyle Report, Energy and Sustainability Report, Noise Assessment, Proposed Site Lighting Layout & Report, and Ecological Impact Assessment,

It is considered that the proposed development would not be likely to have significant effects on the environment, and that an Environmental Impact Assessment Report is not required.

## **14.0 Recommendation**

Having regard to the foregoing assessments, I recommend that permission be REFUSED for the proposed development based on the reasons and considerations set out in the following Draft Order.

## **15.0 Recommended Draft Commission Order**

### **Planning and Development Acts 2000 to 2022**

#### **Planning Authority: South Dublin 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 10<sup>th</sup> of June 2022 by Bluemont Developments (Firhouse) Limited, care of Tom Phillips and Associates Planning Consultants, 80 Harcourt Street, Dublin 2.

#### **Proposed Development comprises the following:**

The development will consist of the demolition of all existing structures on site (c. 1,326 sq m), including:

- Two storey building formally used as public house, ancillary off-licence and associated structures (c. 972 sq m);
- Two storey building comprising an existing barber shop and betting office (c. 260 sq m);
- Single storey cottage building and associated structures (c. 94 sq m); and

- Eastern boundary wall and gated entrance from Mount Carmel Park.

The development with a total gross floor area of c. 11,638 sq m, will consist of 100 no. residential units arranged in 2 blocks (Blocks 01 and 02) ranging between 3 and 5 storeys in height, over lower ground floor and basement levels, comprising:

- 96 no. apartments (consisting of 2 no. studio units; 45 no. one bedroom units; 10 no. two bedroom (3 person) units; 34 no. two bedroom (4 person) units; and 5 no. three bedroom units), together with private (balconies and private terraces) and communal amenity open space provision at podium and roof levels; and
- 4 no. duplex apartments (consisting of 2 no. one bedroom units and 2 no. two bedroom units (4 person) located within Block 01, together with private balconies and terraces.

The development will also consist of non-residential uses (c. 355 sq m), including:

- 1 no. café (c. 58 sq m) and 1 no. office (c. 30 sq m) located at ground floor level of Block 01;
- 1 no. medical unit (c. 59 sq m) and 1 no. betting office (c. 66 sq m) located at ground floor level of Block 02;
- 1 no barber shop (c. 28 sq m) located at ground floor level between Blocks 01 and 02; and
- 1 no. crèche (c. 114 sq m) located at lower ground floor level of Block 01 and associated outdoor play area to the rear.

Vehicular access to the site will be from the existing access off Firhouse Road. The proposal includes minor alterations to the existing access, including the provision of new and enhanced pedestrian infrastructure.

The development will also consist of the provision of public open space and related play areas; hard and soft landscaping including internal roads, cycle and pedestrian routes, pathways and boundary treatments, street furniture, basement car parking (80 no. spaces in total, including accessible spaces); motorcycle parking; electric vehicle charging points; bicycle parking (long and short stay spaces including stands); ESB substations, piped infrastructural services and connections to existing

public services, (including relocation of existing surface water sewer and water main from within the application site onto the public roads area along Firhouse Road and Mount Carmel Park); ducting; plant; waste management provision; SuDS measures; stormwater management and attenuation; sustainability measures; signage; changes in levels; public lighting; and all ancillary site development and excavation works above and below ground.

## **Decision**

**REFUSE permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations set out below.**

## **Reasons and Considerations**

Policy GI5 Objective 4 and Section 12.4.2 of the South Dublin County Development Plan 2022 - 2028 set out clear requirements for applications involving 2 or more residential units to include a Green Space Factor Worksheet to demonstrate compliance with scoring requirements in accordance with the 'South Dublin Green Space Factor Guidance Note'. The application did not include this information. It is considered that the proposed development would, therefore, materially contravene the Development Plan in relation to Green Space Factor requirements. This issue has not been addressed in the applicant's Material Contravention Statement (Appendix B addressing the Draft Policies of the Draft South Dublin County Development Plan 2022-2028) and, therefore, the application does not comply with the requirements of section 8(1)(a)(iv)(II) of the Planning and Development (Housing) and Residential Tenancies Act 2016, as amended. The Commission, therefore, cannot invoke section 37(2)(b) of the Planning and Development Act 2000, as amended, and is precluded from granting 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.

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Stephen Ward  
Senior Planning Inspector

14th August 2025

## Appendix 1 – AA Screening Determination

Screening for Appropriate Assessment Test for likely significant effects	
<b>Step 1: Description of the project and local site characteristics</b>	
<b>Brief description of project</b>	Demolition of existing buildings on site, construction of 100 no. apartments, creche and associated site works. See Section 3 of the main report for further details.
<b>Brief description of development site characteristics and potential impact mechanisms</b>	<p>The site has an area of c. 0.46ha. It was previously developed to include commercial buildings, some of which were recently demolished. It comprises mainly hard/artificial surfaces and is relatively flat.</p> <p>The River Dodder is approximately 150 metres north of the site and runs in a northeast direction to the River Liffey estuary (c. 9km away).</p> <p>The surface water strategy proposes a range of SuDs, attenuation, and treatment measures prior to controlled discharge to the existing public sewer network at Mount Carmel Park. This network ultimately outfalls to the River Dodder.</p>
<b>Screening report</b>	Yes (Flynn, Furney Environmental Consultants)
<b>Natura Impact Statement</b>	No
<b>Relevant submissions</b>	<p>Third-party submission has raised concerns about potential impacts on the biodiversity value of the Dodder River / Valley Park, including concerns about sewerage / drainage impacts.</p> <p>The Planning Authority reports recommend clarification in relation to some aspects of surface water disposal. The CE Report recognizes that the Commission is the competent authority for the purposes of Appropriate Assessment.</p> <p>The Uisce Eireann submission confirms that water/wastewater connections are feasible.</p> <p>The DHLGH submission acknowledges the potential for pollution of the River Dodder but considers that this will be mitigated by the measures outlined in the CEMP, CWMP, and operational surface water management measures.</p> <p>The IFI submission highlights the need to protect the aquatic environment at construction and operational stages and recommends that appropriate measures are included.</p>

Step 2. Identification of relevant European sites using the Source-pathway-receptor model				
European Site (code)	Qualifying interests Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connections	Consider further in screening Y/N
Glenasmole Valley SAC (001209)	Contains a high diversity of habitats and plant communities, including three habitats listed on Annex I of the E.U. Habitats Directive. QIs and Conservation Objectives are listed at the following link: <a href="https://www.npws.ie/protected-sites/sac/001209">https://www.npws.ie/protected-sites/sac/001209</a>	3.9km	It is upstream on the River Dodder and no pathways apply.	N
Wicklow Mountains SAC (002122)	Important as a complex, extensive upland site. It shows great diversity from a geomorphological and a topographical point of view. The vegetation provides examples of the typical upland habitats with heath, blanket bog and upland grassland covering large, relatively undisturbed areas. QIs and Conservation Objectives are listed at the following link: <a href="https://www.npws.ie/protected-sites/sac/001209">https://www.npws.ie/protected-sites/sac/001209</a>	6km	It is upstream on the River Dodder and no pathways apply.	N
Wicklow Mountains SPA (004040)	High ornithological importance as it supports nationally important populations of Merlin and Peregrine. QIs and Conservation Objectives are listed at the following link: <a href="https://www.npws.ie/protected-sites/spa/004040">https://www.npws.ie/protected-sites/spa/004040</a>	6km	It is upstream on the River Dodder and no pathways apply. No suitable ex-situ habitat on site and no SCI species recorded.	N
South Dublin Bay and River Tolka Estuary SPA (004024)	Comprises a substantial part of Dublin Bay and is of ornithological importance as it supports an internationally important population of Light-bellied Brent Goose and nationally important populations of a further nine wintering species. Supports a nationally important colony of	9km	Indirect hydrological connection via River Dodder and River Liffey.  No suitable ex-situ habitat on	Y

	breeding Common Tern and is an internationally important passage/staging site for three tern species. QIs and Conservation Objectives are listed at the following link: <a href="https://www.npws.ie/protected-sites/spa/004024">https://www.npws.ie/protected-sites/spa/004024</a>		site and no SCI species recorded.	
South Dublin Bay SAC (000210)	This site is a fine example of a coastal system, with extensive sand and mudflats, and incipient dune formations. QIs and Conservation Objectives are listed at the following link: <a href="https://www.npws.ie/protected-sites/sac/000210">https://www.npws.ie/protected-sites/sac/000210</a>	9km	Indirect hydrological connection via River Dodder and River Liffey.	Y
North Bull Island SPA (004006)	An excellent example of an estuarine complex and is one of the top sites in Ireland for wintering waterfowl. QIs and Conservation Objectives are listed at the following link: <a href="https://www.npws.ie/protected-sites/spa/004006">https://www.npws.ie/protected-sites/spa/004006</a>	13km	Indirect hydrological connection via River Dodder and River Liffey.  No suitable ex-situ habitat on site and no SCI species recorded.	Y
North Dublin Bay SAC (000206)	An excellent example of a coastal site with all the main habitats represented. QIs and Conservation Objectives are listed at the following link: <a href="https://www.npws.ie/protected-sites/sac/000206">https://www.npws.ie/protected-sites/sac/000206</a>	13km	Indirect hydrological connection via River Dodder and River Liffey.	Y
North-west Irish Sea SPA (004236)	An important resource for marine birds. QIs and Conservation Objectives are listed at the following link: <a href="https://www.npws.ie/protected-sites/spa/004236">https://www.npws.ie/protected-sites/spa/004236</a>	13km	Indirect hydrological connection via River Dodder and River Liffey. No suitable ex-situ habitat on site and no SCI species recorded.	Y

I note that the applicant's AA Screening Report does not identify the North-west Irish Sea SPA as it was not designated at the time of the application. The applicant's report identifies other more distant inland sites within 15km (Knocksink Wood SAC, Ballyman Glen SAC, Rye Water Valley/Carlton SAC) but I am satisfied that they are not within the potential Zone of Influence. I also acknowledge other Natura 2000 sites in the wider Dublin Bay environment, but I do not consider such sites to be within the potential zone of influence due to lack of connectivity and/or significant distance/dilution factors.

### **Step 3. Describe the likely effects of the project (if any, alone or in combination) on European Sites**

#### Surface Water / Groundwater

During the Construction Phase, surface water or groundwater run-off containing silt/sediments or other pollutants could inadvertently flow into the Dodder River and flow to Dublin Bay. During the Operational Phase, surface water will be discharged to the River Dodder via the existing network. As such, there is a potential hydrological pathway via surface water and groundwater to the five Dublin Bay Natura 2000 sites identified in the above table.

However, the application includes a range of standard construction and operational practice measures that would be implemented regardless of proximity to a European Site (i.e. not mitigation). These measures would significantly reduce the potential for impact. Furthermore, the pathway to these downstream European sites is >9km long, over which any potential pollutants would become diluted to indiscernible levels. Therefore, this hydrological pathway is considered insignificant.

#### Wastewater

The site will also be connected to the public foul water sewer network at operational stage, which will discharge to Dublin Bay from Ringsend WWTP. As such, there is a hydrological link to the five Dublin Bay Natura 2000 sites identified in the above table. However, the loading associated with the proposed development would be minimal in comparison to the overall loading on the WWTP and there is adequate hydraulic and organic capacity available in the WWTP. Therefore, this potential pathway is considered insignificant.

#### Other Effects

Although the construction and operational stages will lead to increased disturbance, there are no designated sites within the disturbance Zone of Influence. The nearest European site to the Proposed Development is c. 3.9 km away.

The Site does not provide suitable ex-situ habitat for any of the bird species associated with the surrounding European sites. No such species were recorded in the bird surveys carried out on site.



AA Screening matrix		
Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
<b>Site 1: South Dublin Bay and River Tolka Estuary SPA</b> <u>QI list</u> Light-bellied Brent Goose; Oystercatcher; Ringed Plover; Grey Plover; Knot; Sanderling; Dunlin; Bar-tailed Godwit; Redshank; Black-headed Gull; Roseate Tern; Common Tern; Arctic Tern; Wetland and Waterbirds.	Direct: None  Indirect: Negative impacts (temporary) on surface/ground water quality due to construction related emissions including increased sedimentation and construction related pollution.  Negative impacts (long-term) on surface water quality due to operational discharge to the River Dodder.  Negative impacts on water quality at operational stage due to wastewater discharge.	Significant effects on habitat and species as a result of water quality impacts are not likely having regard to the standard construction and operational practice measures that would be implemented regardless of proximity to a European Site, as well as the significant distance, dispersal and dilution factors between the application site and the Natura 2000 site.
	<b>Likelihood of significant effects from proposed development (alone): No</b>	
	<b>If No, is there likelihood of significant effects occurring in combination with other plans or projects? No</b>	
	Impacts	Effects
<b>Site 2: South Dublin Bay SAC</b> <u>QI list</u> Mudflats and sandflats not covered by seawater at low tide; Annual vegetation of drift lines; Salicornia and other annuals colonising mud and sand; Embryonic shifting dunes.	Direct: None  Indirect: Negative impacts (temporary) on surface/ground water quality due to construction related emissions including increased sedimentation and construction related pollution.  Negative impacts (long-term) on surface water quality due to operational discharge to the River Dodder.  Negative impacts on water quality at operational stage due to wastewater discharge.	Significant effects on habitat and species as a result of water quality impacts are not likely having regard to the standard construction and operational practice measures that would be implemented regardless of proximity to a European Site, as well as the significant distance, dispersal and dilution factors between the application site and the Natura 2000 site.
	<b>Likelihood of significant effects from proposed development (alone): No</b>	
	<b>If No, is there likelihood of significant effects occurring in combination with other plans or projects? No.</b>	

	Impacts	Effects
<b>Site 3: North Bull Island SPA</b> <u>QI List:</u> Light-bellied Brent Goose; Shelduck; Teal; Pintail; Oystercatcher; Golden Plover; Grey Plover; Knot; Sanderling; Dunlin; Black-tailed Godwit; Bar-tailed Godwit; Curlew; Redshank; Turnstone; Black-headed Gull; Shoveler; Wetland and Waterbirds.	Direct: None  Indirect: Negative impacts (temporary) on surface/ground water quality due to construction related emissions including increased sedimentation and construction related pollution.  Negative impacts (long-term) on surface water quality due to operational discharge to the River Dodder.  Negative impacts on water quality at operational stage due to wastewater discharge.	Significant effects on habitat and species as a result of water quality impacts are not likely having regard to the standard construction and operational practice measures that would be implemented regardless of proximity to a European Site, as well as the significant distance, dispersal and dilution factors between the application site and the Natura 2000 site.
	<b>Likelihood of significant effects from proposed development (alone): No</b>	
	<b>If No, is there likelihood of significant effects occurring in combination with other plans or projects? No</b>	
	Impacts	Effects
<b>Site 4: North Dublin Bay SAC</b> <u>QI List</u> Mudflats and sandflats not covered by seawater at low tide; Annual vegetation of drift lines; Salicornia and other annuals colonising mud and sand; Atlantic salt meadows; Mediterranean salt meadows; Embryonic shifting dunes; Shifting dunes along the shoreline with Ammophila arenaria (white dunes); Fixed coastal dunes with herbaceous vegetation (grey dunes); Humid dune slacks; Petalophyllum ralfsii (Petalwort).	Direct: None  Indirect: Negative impacts (temporary) on surface/ground water quality due to construction related emissions including increased sedimentation and construction related pollution.  Negative impacts (long-term) on surface water quality due to operational discharge to the River Dodder.  Negative impacts on water quality at operational stage due to wastewater discharge.	Significant effects on habitat and species as a result of water quality impacts are not likely having regard to the standard construction and operational practice measures that would be implemented regardless of proximity to a European Site, as well as the significant distance, dispersal and dilution factors between the application site and the Natura 2000 site.
	<b>Likelihood of significant effects from proposed development (alone): No</b>	
	<b>If No, is there likelihood of significant effects occurring in combination with other plans or projects? No</b>	
	Impacts	Effects
<b>Site 5: North-west Irish Sea SPA</b> <u>QI List</u> Red-throated Diver; Great Northern Diver; Fulmar; Manx Shearwater; Cormorant; Shag;	Direct: None  Indirect: Negative impacts (temporary) on surface/ground water quality due to construction related emissions	Significant effects on habitat and species as a result of water quality impacts are not likely having regard to the standard construction

Common Scoter; Black-headed Gull; Common Gull; Lesser Black-backed Gull; Herring Gull; Great Black-backed Gull; Kittiwake; Roseate Tern; Common Tern; Arctic Tern; Guillemot; Razorbill; Puffin; Little Gull; Little Tern.	including increased sedimentation and construction related pollution.  Negative impacts (long-term) on surface water quality due to operational discharge to the River Dodder.  Negative impacts on water quality at operational stage due to wastewater discharge	and operational practice measures that would be implemented regardless of proximity to a European Site, as well as the significant distance, dispersal and dilution factors between the application site and the Natura 2000 site.
	<b>Likelihood of significant effects from proposed development (alone): No</b>	
	<b>If No, is there likelihood of significant effects occurring in combination with other plans or projects? No</b>	
<b>Step 4 Conclude if the proposed development could result in likely significant effects on a European site</b>		
I conclude that the proposed development (alone) would not result in likely significant effects on South Dublin Bay and River Tolka Estuary SPA, South Dublin Bay SAC, North Bull Island SPA, North Dublin Bay SAC, or North-west Irish Sea SPA. The proposed development would have no likely significant effect in combination with other plans and projects on any European site(s). No further assessment is required for the project. No mitigation measures are required to come to these conclusions.		

## Screening Determination

### Finding of no likely significant effects

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on South Dublin Bay and River Tolka Estuary SPA, South Dublin Bay SAC, North Bull Island SPA, North Dublin Bay SAC, or North-west Irish Sea SPA in view of the conservation objectives of these sites, which are therefore excluded from further consideration. Appropriate Assessment is not required.

This determination is based on:

- The nature and scale of the proposed works and the standard construction and operational practice measures that would be implemented regardless of proximity to a European Site.
- The limited connectivity between the application site and the nearest European Sites as a result of significant distance, dispersal and dilution factors.

## Appendix 2

### Form 1 - EIA Pre-Screening

<b>Case Reference</b>	ABP-313777-22
<b>Proposed Development Summary</b>	Demolition of existing buildings on site, construction of 100 no. apartments, creche and associated site works. See Section 3 of the main report for further details.
<b>Development Address</b>	Lands at No.2 Firhouse Road, and the former 'Mortons, The Firhouse Inn', Firhouse Road, Dublin 24
	<b>In all cases check box /or leave blank</b>
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b>  (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes,  - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.  <input type="checkbox"/> No, No further action required.
<b>2. Is the proposed development of a CLASS specified in <u>Part 1</u>, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>	
<input type="checkbox"/> Yes, it is a Class specified in Part 1.  <b>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</b>	
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
<b>3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?</b>	
<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road	

<p>development under Article 8 of the Roads Regulations, 1994.</p> <p><b>No Screening required.</b></p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p><b>EIA is Mandatory. No Screening Required</b></p>	
<p><input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p><b>Preliminary examination required. (Form 2)</b></p> <p><b>OR</b></p> <p><b>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</b></p>	<p>Part 2, Class 10(b)(i) – More than 500 dwelling units.</p> <p>Part 2, Class 10(b)(iv) - An area greater than 10 hectares in the case of other parts of a built-up area outside the business district.</p>

4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes <input checked="" type="checkbox"/>	Screening Determination Required (Refer to Form 3 below).
No <input type="checkbox"/>	

Inspector: \_\_\_\_\_ Date: \_\_\_\_\_

**Appendix 2**  
**Form 3 - EIA Screening Determination**

A. CASE DETAILS		
<b>An Coimisiún Pleanála Case Reference</b>	ABP-313777-22	
<b>Development Summary</b>	Demolition of existing buildings on site, construction of 100 no. apartments, creche and associated site works	
	<b>Yes / No / N/A</b>	<b>Comment (if relevant)</b>
<b>1.</b> Was a Screening Determination carried out by the PA?	No	The CE Report recognised that the Commission is the competent authority.
<b>2.</b> Has Schedule 7A information been submitted?	Yes	See applicant's EIA Screening Report.
<b>3.</b> Has an AA screening report or NIS been submitted?	Yes	See applicant's AA Screening Report.
<b>4.</b> Is a IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?	N/A	
<b>5.</b> 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	<p>The application includes a Statement in accordance with Article 299B (1)(b)(ii)(II)(C) of the Planning and Development Regulations, which outlines that:</p> <ul style="list-style-type: none"> <li>The Ecological Impact Assessment and AA Screening Report consider the Habitats Directive and the Birds Directive.</li> </ul>

		<ul style="list-style-type: none"> <li>• The applicant's EIA Screening has been informed by the water quality status as defined by the monitoring program and assessment undertaken by the EPA pursuant to the obligations to the Water Framework Directive.</li> <li>• A Site-Specific Flood Risk Assessment is included in the Water Services Report in response to the Floods Directive.</li> <li>• There are no specific assessments required by the Applicant under the Seveso Directive; COMAH Regulations; Clean Air for Europe (CAFE) Directive (Directive 2008/50/Ec); Marine Strategy Directive; Industrial Emissions Directive; or Regulation (EU) 1315/2013 Trans-European Networks in Transport, Energy and Telecommunication Regulation.</li> <li>• There are no specific assessments required pursuant to the Waste Framework Directive, but a Construction Waste Management Plan is included.</li> <li>• The CDP has been subject to Strategic Environmental Assessment under the SEA Directive.</li> </ul>
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B. EXAMINATION	Yes/ No/ Uncertain	<p><b>Briefly describe the nature and extent and Mitigation Measures (where relevant)</b></p> <p>(having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact)</p> <p><b>Mitigation measures</b> –Where relevant specify features or measures proposed by the applicant to avoid or prevent a significant effect.</p>	<p><b>Is this likely to result in significant effects on the environment?</b></p> <p><b>Yes/ No/ Uncertain</b></p>
<p><b>This screening examination should be read with, and in light of, the rest of the Inspector's Report attached herewith</b></p>			
<p><b>1. Characteristics of proposed development</b> (including demolition, construction, operation, or decommissioning)</p>			
<p><b>1.1</b> Is the project significantly different in character or scale to the existing surrounding or environment?</p>	<p>Yes</p>	<p>The project would be of a different scale and character to existing development. However, subject to the removal of Level 3, it would provide a suitably distinct local landmark for this 'LC – Local Centre' site.</p>	<p>No</p>
<p><b>1.2</b> Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?</p>	<p>Yes</p>	<p>There will be a new residential land use to support existing commercial uses. There will be minor physical changes to topography and vegetation, and any impacts on waterbodies will be suitably controlled in accordance with the measures outlined in the Water Services Report.</p> <p>Construction and Operational activities will be suitably controlled by the Construction and Environmental Management Plan (CEMP); Construction Waste Management Plan (CWMP); &amp; Operational Waste Management Plan (OWMP).</p>	<p>No</p>



<p><b>1.3</b> Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?</p>	<p>Yes</p>	<p>The redevelopment of the land will provide a more suitable and efficient use which is consistent with the existing and planned use of the area. Bulk excavation particular to the basement and services is expected to total 11,700m<sup>3</sup>. Further to classification of the excavated materials all options will be exhausted to effect reuse possibilities before sending to recovery or disposal facilities in compliance with relevant waste legislation.</p> <p>The predicted water demand would be consistent with normal residential/commercial development. Irish Water has confirmed that there are no objections, and it is not proposed to extract groundwater.</p> <p>The materials/minerals and energy associated with the development would be typical of urban development and would be suitably designed as outlined in the Building Life Cycle Report, the Energy and Sustainability Report, and the proposed transport arrangements.</p> <p>Biodiversity resources have been considered in the EclA and the AA Screening Report and I am satisfied that there would be no significant effects on relevant habitats or species.</p>	<p>No</p>
<p><b>1.4</b> 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 the CWMP and CEMP will satisfactorily mitigate potential impacts.</p>	<p>No</p>

		<p>No operational impacts in this regard are anticipated.</p> <p>Conventional operational waste will be managed through the implementation of the OWMP.</p>	
<b>1.5</b> Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?	Yes	<p>Waste produced from construction activity, including 11700m<sup>3</sup> of excavated material; 810 tonnes construction waste; and 1734 tonnes demolition waste will be managed through the implementation of the CWMP, with emphasis on reuse / recycle / recovery where possible. Mitigation measures have been included for potentially hazardous construction wastes. Construction noise and dust emissions are likely. Such construction impacts would be local and temporary in nature and implementation of a CEMP will satisfactorily mitigate potential impacts.</p> <p>At the operational phase, waste will be managed through the OWMP, and wastewater emissions will be managed via the existing infrastructure. No other significant pollutant or hazardous material is predicted.</p>	No
<b>1.6</b> Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?	Yes	<p>Project involves underground excavation works and installation of new services infrastructure. However, it uses standard construction methods, materials and equipment, and the process will be managed through the implementation of the CEMP to satisfactorily address potential risks in relation to contamination of land/ groundwater.</p> <p>Project includes for appropriate surface water management systems and wastewater will be appropriately discharged to the public system.</p>	No
<b>1.7</b> Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?	Yes	<p>Potential for construction activity to give rise to noise, light, and vibration emissions. Such emissions will be localised, short term in nature</p>	No

		<p>and their impacts will be suitably addressed by the CEMP, Noise Assessment (NA), and EclA.</p> <p>Operational phase of project will cause noise and light impacts which would be consistent with the established development in the area and would not result in significant effects as per the NA and the 'Proposed Site Lighting Layout &amp; Report'.</p> <p>It has also been demonstrated that the noise, lighting or other potential disturbance impacts would not significantly impact on any habitats or species of biodiversity interest (including Habitats Directive Annex IV species).</p>	
<b>1.8</b> Will there be any risks to human health, for example due to water contamination or air pollution?	Yes	<p>Potential for construction activity to give rise to dust emissions but such emissions will be localised, short term in nature and their impacts will be suitably addressed by the CEMP.</p> <p>The site is not within a drinking water protection area and is served by public mains, and therefore water contamination is not expected to impact on human health. Any potential water impact is also to be addressed by the CEMP.</p> <p>The operational phase will not result in significant effects for human health</p>	No
<b>1.9</b> Will there be any risk of major accidents that could affect human health or the environment?	No	No significant risk having regard to the nature and scale of development. Any risk arising from construction will be localised and temporary in nature. There is no significant Flood Risk. The site is not located within close proximity to any Seveso / COMAH sites.	No
<b>1.10</b> Will the project affect the social environment (population, employment)	Yes	The construction stage will involve a localised increase in employment opportunities. Any	No

		<p>potential adverse impacts on the local community will be mitigated by the CEMP measures.</p> <p>The development would provide much needed additional housing and supporting services. The impacts would not be significant given the range and proximity of existing services in the area.</p>	
<b>1.11</b> Is the project part of a wider large scale change that could result in cumulative effects on the environment?	No	This is a standalone development and there is limited potential for additional development in the surrounding environment.	No
<b>2. Location of proposed development</b>			
<b>2.1</b> Is the proposed development located on, in, adjoining or have the potential to impact on any of the following: <ul style="list-style-type: none"> <li>- European site (SAC/ SPA/ pSAC/ pSPA)</li> <li>- NHA/ pNHA</li> <li>- Designated Nature Reserve</li> <li>- Designated refuge for flora or fauna</li> <li>- 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</li> </ul>	No	<p>The nearest Natura 2000 site is c. 3.9km away and there will be no likely significant effects as per Appendix 1 of this report.</p> <p>The Dodder Valley pNHA is c.150 metres to the north of the site. This and any other ecological features will be satisfactorily protected as per sections 8.7 and 8.8 of the main report.</p>	No
<b>2.2</b> Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be affected by the project?	No	The site does not include any protected, important or sensitive species of flora or fauna, and it is not considered that there will be any significant effects on any such features in the surrounding area.	No
<b>2.3</b> Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?	Yes	The adjoining Dodder Valley is classified as 'High' sensitivity. Subject to the removal of one floor, there would be no significant impacts on this	No

		landscape. No Protected Structures or Architectural Conservation Areas would be significantly affected. Although the site is located within the zone of notification for the archaeological monument (RMP): DU022-103---- House – 18 <sup>th</sup> / 19 <sup>th</sup> century, I am satisfied that any impacts would be appropriately mitigated through further assessment and testing as a condition of any permission.	
<b>2.4</b> 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?	Yes	The water quality and regime of the River Dodder will be appropriately protected by the proposed CEMP and surface water measures.	No
<b>2.5</b> Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?	Yes	The water quality and regime of the River Dodder will be appropriately protected by the proposed CEMP and surface water measures. The site presents no significant flood risk issues.	No
<b>2.6</b> Is the location susceptible to subsidence, landslides or erosion?	No	No evidence or indications of such risks.	No
<b>2.7</b> 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?	Yes	The site is in close proximity to the M50 Motorway. However, as per section 10.6 of the main report, I am satisfied that there will be no unacceptable traffic or transport impacts.	No
<b>2.8</b> Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?	No	None in such proximity that would be affected. As per section 10.2 of the main report, social and community infrastructure is adequate.	No

3. Any other factors that should be considered which could lead to environmental impacts			
<b>3.1 Cumulative Effects:</b> Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?	No	This is a standalone application with no significant development planned in the immediate surrounding area. Section 5.11 of the applicant's EIA Screening Report considers cumulative impacts, and I have considered the planning register for other applications since the making of this application. I am satisfied that there will be is no potential for significant cumulative effects.	No
<b>3.2 Transboundary Effects:</b> Is the project likely to lead to transboundary effects?	No	No transboundary considerations arise.	No
<b>3.3</b> Are there any other relevant considerations?	No	No other issues arise.	No
C. CONCLUSION			
<b>No real likelihood of significant effects on the environment.</b>	✓	EIAR Not Required	
<b>Real likelihood of significant effects on the environment.</b>	✗	EIAR Not Required	

## D. MAIN REASONS AND CONSIDERATIONS

Having regard to: -

1. the criteria set out in Schedule 7, in particular
  - (a) the limited nature and scale of the proposed development, in an established residential area served by public infrastructure
  - (b) the absence of any significant environmental sensitivity in the vicinity
  - (c) the location of the development outside of any sensitive location specified in Article 299(C)(1)(a)(v) of the Planning and Development Regulations 2001 (as amended)
2. the results of other relevant assessments of the effects on the environment submitted by the applicant, including the results of the Strategic Environmental Assessment of the South Dublin County Development Plan 2022-2028 under the SEA Directive.
3. the features and measures proposed by applicant envisaged to avoid or prevent what might otherwise have been significant effects on the environment, including measures identified in the Construction and Environmental Management Plan, Construction Waste Management Plan, Water Service Report, Operational Waste Management Plan, Building Life Cycle Report, Energy and Sustainability Report, Noise Assessment, Proposed Site Lighting Layout & Report, and Ecological Impact Assessment.

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

Inspector \_\_\_\_\_

Date \_\_\_\_\_

Approved (DP/ADP) \_\_\_\_\_

Date \_\_\_\_\_

### Appendix 3

#### Water Framework Directive Screening Determination

WFD IMPACT ASSESSMENT STAGE 1: SCREENING			
Step 1: Nature of the Project, the Site and Locality			
<b>An Coimisiún Pleanála ref. no.</b>	313777-22	<b>Townland, address</b>	Lands at No.2 Firhouse Road, and the former 'Mortons, The Firhouse Inn', Firhouse Road, Dublin 24
<b>Description of project</b>		Demolition of existing buildings on site, construction of 100 no. apartments, creche and associated site works.	
<b>Brief site description, relevant to WFD Screening,</b>		<p>The site has an area of c. 0.46ha. It was previously developed to include commercial buildings, some of which were recently demolished. It comprises mainly hard/artificial surfaces and is relatively flat.</p> <p>The River Dodder (EPA Name Dodder_040) is approximately 150 metres north of the site and runs in a northeast direction to the River Liffey estuary (EPA Name: Liffey Estuary Lower, Code IE_EA_090_0300) c. 9km away. The site is underlain by the Dublin Ground Waterbody (EPA code: IE_EA_G_008).</p>	
<b>Proposed surface water details</b>		The surface water strategy proposes a range of SuDs, attenuation, and treatment measures prior to controlled discharge to the existing public sewer network at Mount Carmel Park. This network ultimately outfalls to the River Dodder.	
<b>Proposed water supply source &amp; available capacity</b>		A review of the Uisce Eireann Capacity Register (Published December 2024) on 23/7/2025 indicated that potential capacity is available to meet 2033 population targets subject to 'Level of service' (LoS) improvement.	



<b>Proposed wastewater treatment system &amp; available capacity, other issues</b>			A review of the Uisce Eireann Capacity Register (Published December 2024) on 23/7/2025 indicated spare capacity available at the Ringsend WWTP.			
<b>Others?</b>			<p>A Site-Specific Flood Risk Assessment Report is included in the Water Services Report accompanying the application. As outlined in section 10.7 of this report, I consider that there is no unacceptable flood risk associated with the proposed development.</p> <p>As previously outlined, the watercourses associated with the site are linked to Dublin Bay, which includes designated Natura 2000 sites. The impact on these sites is discussed further in Appendix 1. The Dodder Valley is also a proposed Natural Heritage Area and potential biodiversity impacts have been considered in section 10.8 of this report.</p>			
<b>Step 2: Identification of relevant water bodies and Step 3: S-P-R connection</b>						
<b>Identified water body</b>	<b>Distance to (m)</b>	<b>Water body name(s) (code)</b>	<b>WFD Status</b>	<b>Risk of not achieving WFD Objective e.g.at risk, review, not at risk</b>	<b>Identified pressures on that water body</b>	<b>Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)</b>
River	C. 150 metres to the north	Dodder_040 (IE_EA_09D01 0620)	Moderate	At Risk	Urban Run-off	Yes – Via construction run-off and operational surface water disposal.
Groundwater	Underlying	Dublin (IE_EA_G_008)	Good	Review	None identified	Yes - Via the overlying soil.
Transitional	9km to northeast	Liffey Estuary Lower (IE_EA_090_03 00)	Moderate	At Risk	Urban wastewater	Yes – Connectivity via River Dodder and WWTP outfall.

Step 4: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.							
CONSTRUCTION PHASE							
No.	Component	Water body receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no)  Detail	Determination** to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain' proceed to Stage 2.
1.	Surface	Dodder_040 (IE_EA_09 D010620)	Surface water currently outfalls to the river.  Potential for construction run-off.	Pollution via siltation, pH (Concrete), hydrocarbon spillages.	Standard construction practice in CEMP.	No. As outlined in section 10.7 & 10.8 of my main report, I am satisfied that the proposed measures will prevent any unacceptable impacts on water quality or water regime.	Screened out.
2.	Ground	Dublin (IE_EA_G_008)	Via the overlying soil.	Pollution via siltation, pH (Concrete), hydrocarbon spillages.	Standard construction practice in CEMP.	As above.	Screened out.
3.	Transitional	Liffey Estuary Lower (IE_EA_090_0300)	Via Dodder River	Pollution via siltation, pH (Concrete), hydrocarbon spillages.	Standard construction practice in CEMP.	As above.	Screened out.

OPERATIONAL PHASE							
1.	Surface	Dodder _040 (IE_EA_09 D010620)	Via the existing and proposed surface water system.	Hydrocarbon spillage / pollution, increased run- off.	SUDs features and storm water management.	No. As outlined in section 10.7 & 10.8 of my main report, I am satisfied that the proposed measures will prevent any unacceptable impacts on water quality or water regime.	Screened out.
2.	Ground	Dublin (IE_EA_G_ 008)	Via the overlying soil.	Hydrocarbon spillage / pollution.	SUDs features, storm water management.	As above.	Screened out.
3.	Transitional	Liffey Estuary Lower (IE_EA_090 _0300)	Via surface water discharge to Dodder River and wastewater emissions from Ringsend WWTP	Hydrocarbon spillage / pollution. Increased run- off. WWTP outfall pollution.	SUDs features, storm water management. WWTP connection arrangements.	No. Having regard to the size and transitional nature of the waterbody; the significant separation distance (>9km); the adequate hydraulic and organic capacity of the WWTP; and the	Screened out

						conclusions of sections 10.7, 10.8, & 12 of my main report; I do not consider that there would be significant impacts on water quality or regime.	
<b>DECOMMISSIONING PHASE</b>							
<b>5.</b>	N/A	N/A	N/A	N/A	N/A	N/A	N/A