



An  
Bord  
Pleanála

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

### **Inspector's Report ABP-314019-22**

---

#### **Strategic Housing Development**

Demolition of existing buildings on site, construction of 350 no. apartments and associated site works.

#### **Location**

At the junction of Santry Avenue and Swords Road, Santry, Dublin 9 – Occupying the site of the existing Chadwicks Builders Merchants. ([www.santryavenueshd2.ie](http://www.santryavenueshd2.ie))

#### **Planning Authority**

Dublin City Council North

#### **Applicant**

Dwyer Nolan Developments Ltd.

#### **Prescribed Bodies**

1. Irish Water (IW).
2. Dublin Airport Authority (DAA).
3. Transport Infrastructure Ireland (TII).
4. National Transport Authority (NTA).

**Observers**

1. Alison Gilliland
2. Angela Hayden
3. Anne O'Neill
4. Anne O'Rourke
5. Barbara Lee
6. Caroline Molloy
7. Catherine Doyle
8. Chadwicks Group Limited (Maples Group)
9. Dolores Hanlon
10. Eddie Bryce
11. Frank Keoghan
12. Ian Croft
13. Jean Brophy
14. Jimmy Scurry
15. John Conway and The Louth  
Environmental Group (BKC)
16. John Lyons
17. Kate Carroll
18. Ken Lyons
19. Kenneth Gavin
20. Liam, Geraldine and Emma Mc  
Mullan
20. Louis O'Flaherty
21. Louise Doyle
22. Louise Lowry
23. Madeleine Ebbs
24. Maura and John O'Grady
25. Patricia Roe
26. Patrick Cosgrave
27. Patrick Fagan
28. Pauline Ebbs
29. Robert O'llill
30. Roisin Shortall
31. Santry Community Association
32. Santry Forum (Anne O'Rourke)
33. Sheila Fields

**Date of Site Inspection**

1<sup>st</sup> December 2022.

**Inspector**

Daire McDevitt

## Contents

1.0 Introduction .....	4
2.0 Site Location and Description.....	4
3.0 Proposed Strategic Housing Development.....	4
4.0 Planning History.....	9
5.0 Section 5 Pre Application Consultation .....	11
6.0 Policy Context.....	13
7.0 Observer Submissions .....	22
8.0 Planning Authority Submission.....	29
9.0 Prescribed Bodies.....	40
10.0 Oral Hearing Request .....	42
11.0 Planning Assessment.....	43
12.0 Environmental Impact Assessment Screening.....	92
13.0 Appropriate Assessment .....	126
14.0 Recommendation.....	139
15.0 Reason and Consideration .....	139
16.0 Recommended Board Order.....	140

## Appendix 1 List of documentation submitted with the application

## **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.

## **2.0 Site Location and Description**

I have inspected the site and there has been no obvious changes in circumstance to deviate from the 'site location and description' set out in the Inspectors Report prepared for ABP 310910-21 as set out hereunder.

The application site comprises a stated area of 1.5ha located at the junction of Santry Avenue and Swords Road, in Dublin 9. The site is generally level and is primarily occupied by Chadwick's builders' providers. Within the red line boundary, but outside of the Chadwick's site, is an existing access road running along the western site boundary from Santry Avenue to an industrial premises to the south. Existing structures on the site comprise light industrial / warehouse type structures including a single / two-storey early 20th C. modernist element on its eastern side. The remainder of the site is in use for external storage of products and vehicular access and parking. The site has vehicular access from Santry Avenue on its northern boundary. Lands to the west of the site are in mixed commercial light industrial uses.

Santry Avenue forms the boundary between the administrative areas of Dublin City Council and Fingal County Council. To the north of this road, Santry Demesne comprises a regional park which is accessible at the junction with the Swords Road. Directly north of the site, surrounded by the park, is a single-storey property which formerly comprised a post office premises and school, and which now appears to be in residential use. Development on the eastern side of Swords Road comprises a mixture of two-storey commercial properties, with residential development to the east. The site of the former Swiss Cottage pub to the southeast of the site has recently been redeveloped as a 6-storey apartment development. Immediately south of the application site, Santry Place, comprises a recently completed development by the applicants of 207 no. apartments and associated uses in three no. 7-storey blocks, accessed via a road which is included within the red line boundary of the subject site. That development is understood to be in the same ownership as the subject site

## **3.0 Proposed Strategic Housing Development**

3.1 The current application before the Board broadly mirrors the previous application that was refused permission under ABP 310910-21 in November 2021.

Permission is sought for the demolition of existing structures (c. 4196.8sq.m) on site and the construction of 350 no. apartments (1, 2 & 3 bed apartments) in 4 no. buildings that are subdivided into 7 no. blocks (A to G), 5 no. retail/commercial units, café and community units as follows:

- Building 1:
  - Block A: a 7 to 14 storey block consisting of 59 no. apartments comprised of 26 no.1 bed, 27 no.2 beds & 6 no.3 bed dwellings, with 2 no. commercial/retail units located on the ground floor (c.132.4m<sup>2</sup> & c.173m<sup>2</sup> respectively).
  - Block B: a 7 storey block consisting of 38 no. apartments comprised of 6 no.1 bed, 26 no.2 bed, & 6 no.3 bed dwellings, with 1 no. commercial/retail unit and 1 no. medical suite / GP Practice unit located on the ground floor (c.162.3m<sup>2</sup> & 130.4m<sup>2</sup> respectively). Refuse storage areas are also provided for at ground floor level.
- Building 2:
  - Block C: a 7 storey block consisting of 55 no. apartments comprised of 13 no.1 bed & 42 no. 2 bed dwellings. Refuse storage areas are provided for at ground floor level.
  - Block D: a 7 to 10 storey block consisting of 51 no. apartments comprised of 25 no.1 bed, 19 no.2 bed, & 7 no.3 bed dwellings, with 1 no. commercial unit / café located on the ground floor (c.163.3m<sup>2</sup> ). A refuse storage area is also provided for at ground floor level.
- Building 3:
  - Block E: a 7 to 10 storey block consisting of 58 no. apartments comprised of 10 no.1 bed & 48 no.2 bed dwellings, with 1 no. community use unit located on the ground floor (c.188.1m<sup>2</sup> ). A refuse storage area, substation, & switchroom are also provided for at ground floor level.
  - Block F: a 7 storey block consisting of 55 no. apartments comprised of 13 no.1 bed & 42 no.2 bed dwellings. A refuse storage area & bicycle storage area are also provided for at ground floor level.
- Building 4:
  - Block G: Block G is a 7 storey block consisting of 34 no. apartments comprised of 20 no.1 bed & 14 no. 2 bed dwellings. A refuse storage area & bicycle storage area are also provided for at ground floor level.
- 1 storey residential amenity unit (c. 187.9m<sup>2</sup> ) located between Blocks A & D.

- Construction of basement level car parking (c.5,470.8m<sup>2</sup> ) accommodating 173 no. car parking spaces & 719 no. bicycle parking spaces. Internal access to the basement level is provided from the cores of Blocks A, B, C, D, E, & F. External vehicular access to the basement level is from the south, between Blocks B & C. 36 no. car parking spaces & 58 no. bicycle parking spaces are also provided for within the site at surface level.
- Public open space of c.1,915m<sup>2</sup> is provided for between Blocks C, D, E, & F. Communal open space of c. 3,122m<sup>2</sup> provided for between (i) Blocks E, F, & G, (ii) Blocks A, B, C, & D, and (iii) in the form of roof gardens located on Blocks A, C, & F and the proposed residential amenity use unit. The development includes for hard and soft landscaping & boundary treatments. Private open spaces are provided as terraces at ground floor level of each block and balconies at all upper levels.
- Vehicular access to the development will be via 2 no. existing / permitted access points: (i) on Santry Avenue in the north-west of the site (ii) off Swords Road in the south-east of the site, as permitted under the adjoining Santry Place development (Ref. 2713/17).
- The development includes for all associated site development works above and below ground, bin & bicycle storage, plant (M&E), sub-stations, public lighting, servicing, signage, surface water attenuation facilities etc.

### 3.2 Development parameters.

The development parameters mirror those submitted under ABP 310910-21 and are as follows:

- **Site Area:** 1.5ha
- **Density:** 233uph plus commercial
- **Plot Ratio:** 1.76
- **Site Coverage:** 33.5%
- **Proposed Development:**
- **Height:** 7 to 14 storeys (c.22m to c. 48.4m)
  - Block A – 7-14 storeys (max, c. 48.4m)
  - Block B – 7 storeys ( c.22.9m)

- Block C – 7 storeys (c.26.5m)
- Block D – 7-10 storeys (c.32.5m)
- Block E – 7-10 storeys (c.32.6m)
- Block F – 7 storeys (c.25.6m)
- Block G – 7 storeys (c.22.9m)
- **Dual Aspect:** stated to be 53% (...no. apartments)
- **Parking:**
  - Car – 173 (basement) and 36 (surface) (209 in total) (ratio of 0.59)
  - Bicycle – The public notices refer to a total of 777 no. bicycle parking spaces. These are broken down into 719 (basement) and 58 (surface). The site Layout – Taking in Charge refers to 805 no. spaces of which 719 are long term in the basement and 42 no. visitor spaces .
  - Motorbike: - 2 no. spaces.

**Amenities:** 1 no. residential amenity block (c.187.9sq.m).

### **Open Space:**

**Public Open Space:** Stated to be 10% (c.1915sq.m). measurements indicated c. 1575sq.m.

**Communal Open Space:** Stated to be c.3122sq.m, measurements indicate c. 2300sq.m.

**Private:** balconies.

### **Other Uses:**

Block A: Commercial /retail unit B (c. 132.4sq.m)

Commercial /retail unit C (c.173sq.m)

Block B: Commercial /retail unit D (c. 162.3sq.m)

Medical Suite/GP Practice unit E (c.130.4sq.m).

Block D: Commercial /retail unit A (c.163.3sq.m)

Block E: Community use unit (c.186.1sq.m)

Between Block A&D: Residential amenity building (c.187.9sq.m)

**Childcare:** None.

### **3.3 Unit Mix:**

The unit mix mirrors that submitted under ABP 310910-21.

- 113 no. 1 bed units (c.32%).
- 218 no, 2 bed units (c. 62%).
- 19 no. 3 bed units (c. 5%)

### **3.4 Phasing:**

Phase 1: Basement level car park, Blocks A & B (97 no. apartments & 4 no. retail / commercial units), and communal open space to the west.

Phase 2: Blocks C & D (106 no. apartments & 1 no. retail / commercial unit), the residential amenity use unit, and the public open space.

Phase 3: Blocks E, F, & G (147 no. apartments & the community use unit) and the remainder of the communal open space west of Blocks E & F.

### **3.5 Other**

The application contains a statement setting out how the proposal is consistent with the objectives of the Dublin City Development Plan 2016-2022, and also contains a statement indicating why permission should be granted for the proposed development, having regard to a consideration specified in section 37(2)(b) of the Planning and Development Act, 2000, as amended, notwithstanding that the proposed development materially contravenes a relevant development plan or local area plan other than in relation to the zoning of the land.

The application contains Statement of Compliance with the relevant objectives of the Draft Dublin City Development Plan 2022-2028.

An Environmental Impact Assessment Report (EIAR) has been prepared in respect of the development proposal and accompanies the application.

A letter of consent is included from Zoltron Ltd for the submission of a planning application.

A letter of consent is included from Dublin City Council for inclusion of lands for the purposes of making an application (footpaths and section of roadway).

Please refer to Appendix 1 for a summary of the various technical reports submitted with the application.

## **4.0 Planning History**

### **Site:**

**ABP 310910-21** refers to a November 2021 refusal of permission for the demolition of the existing building on site, construction of 350 apartments, residential amenity block, 5 no retail/commercial units, community use unit etc an all ancillary work for the following reason:

*Section 16.10.1 of the Dublin City Development Plan 2016-2022, which relates to Mix of Residential Units, states that each apartment development shall contain a maximum of 25 to 30% one bedroom units and a minimum of 15% three or more bedroom units. Having regard to the range of dwelling units proposed within the development, it is considered that the proposed development would materially contravene this provision of the plan.*

*The statutory requirements relating to the submission of a material contravention statement have not been complied with by the applicant in respect of this matter. Accordingly, the Board is precluded from granting permission in circumstance where the application is in material contravention of the development plan and where the statutory requirements referred to above have not been complied with.*

**Santry Place (immediately south of the subject site):**

PA ref. 2713/17 – Permission granted in April 2018 for a mixed-use development including the construction of 137 no. residential dwellings, 3 no. retail / commercial units, commercial office uses and a creche in 5 no. four and five storey blocks (Blocks A - E). The development included new vehicular and pedestrian access from the Swords Road.

PA ref. 2737/19 – Permission granted in August 2019 for modifications to the development permitted under Ref. 2713/17. This permission increased the height of Blocks A, B and C from 5-storeys to 7-storeys resulting in an increase to 207 no. apartments. Other amendments included a reduction in office space and the introduction of a community centre use of 210.3-sq.m. The development also included a creche of 360-sq.m. This development has recently been completed

PA ref. 2543/21 - Permission refused in June 2021 for modifications to the permitted “Santry Place”, comprising the demolition of the remaining existing warehouse and the construction of 3 no. 7-10 storey buildings (Blocks D, E, & F) accommodating 48 no. apartments, commercial and office uses. The 2 no. reasons for refusal were:

1. Having regard to the proposed height, scale and bulk of Block F, its architectural articulation, orientation and proximity to recently-completed residential development in Santry Place and the backland location of the site, it has not been demonstrated that the development would make a positive contribution to the urban neighbourhood or successfully integrate into the area. The development would provide a poor outlook from proposed residential units in Block D and have an overbearing effect on these units and on those in Santry Place. The proposal constitutes overdevelopment of the site, would provide for a substandard quality of residential amenity for future occupiers and would seriously injure the visual and residential amenities of properties in the vicinity. The proposal would therefore, be contrary to Urban Development and Building Heights Guidelines for Planning Authorities (December 2018) and to the proper planning and sustainable development of the area.
2. Having regard to the height, scale and massing of the proposed blocks enclosing the communal amenity courtyard, the architectural articulation of Block E and F, coupled with the limited separation between all blocks and the constrained width of the communal amenity courtyard, the development would not provide quality communal amenity space by reason of overbearing effect of the blocks, poor outlook from the courtyard and potential for excessive overshadowing. The development would, therefore, be contrary to the Design Standards for New Apartments - Guidelines for Planning Authorities (December 2020) and to the proper planning and sustainable development of the area.

## **SHD applications in the vicinity of the site:**

**ABP-303358-19:** Permission granted for demolition of the former Swiss Cottage public house to the southeast of the application site and construction of 110 BTR residential units (13 no. 1 bed units and 99 no. 2 bed units), ranging in height from 3 no. storeys (10.2m) to 6 no. storeys (20.9m) over partial basement level, and 3 no. ground level commercial units.

**ABP-306987-20** – Permission granted for 120 apartments and associated site works on the former Swiss Cottage lands with building heights ranging from 3 to 7 storeys, at a density of 250 units per hectare. The application was described as amending and superseding the development permitted under ABP-303358-19 however, it appears that the original permitted 6-storey development was completed without amendment.

**ABP-307011-20** – Permission granted for the demolition of existing structures and construction of 324 no. apartments, creche and associated site works on lands to the northeast of Omni Park Shopping Centre, approx. 200m south of the application site. The development rises from 5 (19m) to 12 storeys (40.2m) at a density of c. 250 units per hectare.

**ABP- 314458-22** refers to a current application lodged with An Bord Pleanála for the demolition of buildings on site and construction of 457 no. apartments, creche and site works at the north west corner of Omni Park Shopping Centre, Santry and Santry Hall Industrial Estate, Swords Road, D9.

## **5.0 Section 5 Pre Application Consultation**

A section 5 pre-application consultation with the applicants and the planning authority took place online under ABP-312127--21 (on the 22<sup>nd</sup> April 2022) in respect of a proposed development of 350 no. apartments. Retail/commercial and community uses in 4 buildings (Block A-G) and associated works.

### **Notification of Opinion**

Following consideration of the issues raised during the consultation process and, having regard to the opinion of the planning authority, An Bord Pleanála issued an opinion that the documentation submitted constituted a reasonable basis for an application for strategic housing development to An Bord Pleanála.

Pursuant to article 285(5)(b) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant was notified that the following specific information should be submitted with any application for permission

1. Submission of a Sunlight/Daylight/Overshadowing analysis including all relevant plans and documentation showing an acceptable level of residential amenity, which includes details on the standards achieved within the proposed residential units, in private and shared open space, and in public areas within the development and in adjacent properties. This report should address the full extent of requirements of BRE209/BS2011, as applicable.
2. In accordance with section 5(5)(b) of the Act of 2016, as amended, any application made on foot of this opinion should be accompanied by a statement that in the prospective applicant's opinion the proposal is consistent with the relevant objectives of the development plan for the area. Such a statement should have regard to the development plan in place at the time of the application and that likely to be in place at the date of the decision of the Board in respect of the application.
3. The information referred to in Article 299B(1)(b)(ii)(II) and article 299B(1)(c) of the Planning and Development Regulations 2001-2018, unless it is proposed to submit an EIAR at application stage.

The applicant has submitted a response to items no.1 to 3 of the detailed Specific Information required in an attempt to address these matters:

No. 1: A Daylight & Shadow Assessment has been prepared on behalf of the Applicant which shows an acceptable level of residential amenity, including details on the standards achieved within the proposed residential units, in private and shared open space, and in public areas within the development and in adjacent properties. Refer to same for further details.

No.2: A Statement of Consistency which details the proposal's compliance with the relevant objectives of the adopted City Development Plan 2016-2022 has been submitted and the Board is requested to refer to the same. In addition to the prepared Statement of Consistency, a Statement of Compliance with Draft Dublin City Development Plan 2022-2028 which details the proposal's compliance with the relevant objectives in the Draft City Development Plan 2022-2028. Please refer to same for further details.

No.3: The application is accompanied by an Environmental Impact Assessment Report and refer to same.

## **6.0 Policy Context**

### **6.1 National**

#### **National Planning Framework 2018-2040**

National Strategic Outcome 1, Compact Growth, recognises the need to deliver a greater proportion of residential development within existing built-up areas. Activating these strategic areas and achieving effective density and consolidation, rather than sprawl of urban development, is a top priority.

Objective 2A identifies a target of half of future population growth occurring in the cities or their suburbs.

Objective 3A directs delivery of at least 40% of all new housing to existing built-up areas on infill and/or brownfield sites.

Objective 4 to ensure the creation of attractive, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and wellbeing

Objective 11 favour development within existing cities, towns and villages, subject to appropriate planning standards and achieving targeted growth.

Objective 13 is that, in urban areas, planning and related standards including in particular building height and car parking will be based on performance criteria to achieve well-designed high-quality outcomes in order to achieve targeted growth.

Objective 27 seeks to 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

Objective 33 seeks to prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.

Objective 35 promotes increased densities through measures including infill development schemes, area or site-based regeneration and increased building height.

## **Rebuilding Ireland – Action Plan for Housing and Homelessness 2016**

The overarching aim of the Plan is to increase the delivery of housing, from its current undersupply across all tenures, to help individuals and families meet their housing needs. The Plan identifies a target to double the number of residential dwellings delivered annually by the construction sector and to provide 47,000 social housing units in the period up to 2021. The plan identifies five pillars for action.

### **Pillar 2 - Accelerate Social Housing**

Pillar 3: Build More Homes, seeks to increase the output of private housing to meet demand at affordable prices. The key action is to double housing output over the Plan period

### **Housing for All – A New Housing Plan for Ireland (2021)**

It is a multi-annual, multi-billion euro plan which will improve Ireland's housing system and deliver more homes of all types for people with different housing needs.

The government's 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 and in the right place
- offering a high quality of life

The government's vision for the housing system over the longer term is to achieve a steady supply of housing in the right locations with economic, social and environmental sustainability built into the system.

The policy has four pathways to achieving housing for all:

- supporting home ownership and increasing affordability
- eradicating homelessness, increasing social housing delivery and supporting social inclusion
- increasing new housing supply
- addressing vacancy and efficient use of existing stock

Housing for All contains 213 actions which will deliver a range of housing options for individuals, couples and families.

### **Climate Action Plan 2021**

This Plan seeks to achieve a 51% reduction in overall greenhouse gas emissions by 2030 and to reach net-zero emissions no later than by 2050. Action 78 seeks to 'Implement the National Planning Framework' and the following 'Steps Necessary for Delivery' are:

'Develop indicators and timelines to achieve NPF targets for residential development on vacant/redevelopment sites to minimise sprawl'.

### **Section 28 Ministerial Guidelines:**

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

- Urban Development and Building Heights, Guidelines for Planning Authorities (2018).
- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2020).
- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009), and the accompanying Urban Design Manual.
- Design Manual for Urban Roads and Streets (DMURS).
- Retail Planning Guidelines for Planning Authorities (2012) and the Retail Design Manual.
- Childcare Facilities – Guidelines for Planning Authorities (2001)
- Appropriate Assessment of Plans and Projects in Ireland - Guidelines for Planning Authorities (2009, updated 2010)
- The Planning System and Flood Risk Management (including the associated ‘Technical Appendices’) (2009).

## **6.2 Regional:**

### **Eastern and Midland Regional Assembly – Regional Spatial and Economic Strategy (RSES) 2019.**

The RSES including the Dublin Metropolitan Area Strategic Plan (MASP) was adopted on the 3rd of May 2019.

The RSES is underpinned by key principles that reflect the three pillars of sustainability: Social, Environmental and Economic, and expressed in a manner which best reflects the challenges and opportunities of the Region.

RPO 4.3 supports 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 and ensure that the development of future development areas is co-ordinated with the delivery of key water infrastructure and public transport.

Section 5.3 identifies guiding principles for development of the metropolitan area, which include: Compact sustainable growth and accelerated housing delivery – To promote sustainable consolidated growth of the Metropolitan Area, including brownfield and infill development, to achieve a target to 50% of all new homes within or contiguous to the built-up area of Dublin City and suburbs. To support a steady supply of sites and to accelerate housing supply, in order to achieve higher densities in urban built up areas, supported by improved services and public transport.

RPO 5.4. set out that future development of strategic residential development areas within the Dublin Metropolitan area shall provide for higher densities and qualitative standards as set out in the 'Sustainable Residential Development in Urban Areas', 'Sustainable Urban Housing: Design Standards for New Apartments' Guidelines and 'Urban Development and Building Heights Guidelines for Planning Authorities'.

### **6.3 Local:**

#### **Dublin City Development Plan 2016 - 2022**

The application site has a zoning objective Z3 -Neighbourhood Centres, with a stated objective to 'To provide for and improve neighbourhood facilities'.

These are areas that provide local facilities such as small convenience shops, hairdressers, hardware etc. within a residential neighbourhood and range from the traditional parade of shops to neighbourhood centres. They may be anchored by a supermarket type development of between 1,000 sqm and 2,500 sqm of net retail floorspace. They can form a focal point for a neighbourhood and provide a limited range of services to the local population within 5 minutes walking distance. Neighbourhood centres provide an essential and sustainable amenity for residential areas, and it is important that they should be maintained and strengthened, where necessary. Neighbourhood centres may include an element of housing, particularly at higher densities, and above ground floor level. When opportunities arise, accessibility should be enhanced

This Z3 zoning also extends south to the Swords Road frontage of the Santry Place site to the south and to lands on the eastern side of the Swords Road. Adjoining lands to the west and southwest are zoned Z6, to provide for the creation and protection of enterprise and to facilitate opportunities for employment creation. To the south, lands around the Omni centre are zoned Z4 District Centre, to provide for and improve mixed-services facilities

Under Policy QH1 of the Development Plan, the Planning Authority will have regard to various Ministerial Guidelines.

Policy SC13: Promotes sustainable densities with due consideration for surrounding residential amenities. The Plan includes a host of policies addressing and promoting apartment developments. The Building Research Establishment (BRE) document 'Site Layout Planning for Daylight and Sunlight - A Guide to Good Practice' (2011) is referenced in the Plan with respect to the consideration of aspect, natural lighting, ventilation and sunlight penetration for new apartments.

Policy SC25: To promote development which incorporates exemplary standards of high-quality, sustainable and inclusive urban design, urban form and architecture befitting the city's environment and heritage and its diverse range of locally distinctive neighbourhoods, such that they positively contribute to the city's built and natural environments. This relates to the design quality of general development across the city, with the aim of achieving excellence in the ordinary, and which includes the creation of new landmarks and public spaces where appropriate.

Policy SN1: It is the policy of the Council to promote good urban neighbourhoods throughout the city which are well designed, safe and suitable for a variety of age groups and tenures, which are robust, adaptable, well served by local facilities and public transport, and which contribute to the structure and identity of the city, consistent with standards set out in this plan.

Chapter 5 sets out policies for quality housing.

Policy QH5 promotes residential development through active land management and a coordinated planned approach to developing appropriately zoned lands including regeneration areas, vacant and under-utilised sites.

Policy QH6: To encourage and foster the creation of attractive mixed-use sustainable neighbourhoods which contain a variety of housing types and tenures with supporting community facilities, public realm and residential amenities, and which are socially mixed in order to achieve a socially inclusive city.

Policy QH7: To promote residential development at sustainable urban densities throughout the city in accordance with the core strategy, having regard to the need for high standards of urban design and architecture and to successfully integrate with the character of the surrounding area.

Policy QH8 promotes sustainable development of vacant or underutilised infill sites and higher density proposals which respect the surrounding area.

Chapter 16 deals with Development Standards: Design, Layout, Mix of Uses and Sustainable Design.

The indicative plot ratio for Z3 lands is 1.5 - 2.0, while the indicative site coverage is 60%.

#### Section 16.7 Building Height

- Low Rise/Outer City- Maximum Height 16m/5 storeys for residential
- Within 500m of a DART station - Maximum height 24m/8 storeys for residential.

Section 16.7.2 sets out the assessment criteria for Higher Buildings

Map J -Strategic Transport and Parking Areas

Site is located in Zone 3. Table 16.1 sets out carparking standards and 16.2 Bicycle parking standards.

Other relevant sections and policies of the Development Plan include inter alia:

Section 4.5.3 - Making a More Compact Sustainable City;

Section 4.5.9 – Urban Form & Architecture;

Section 9.5.4 - Sustainable Urban Drainage Systems (SUDS);

Section 16.2 – Design, Principles & Standards;

Section 16.10 - Standards for Residential Accommodation;

#### **6.4 Applicants Statement of Consistency**

The applicant has submitted a Statement of Consistency as per Section 8(1)(iv) of the Act of 2016, which states how the proposal is consistent with National, Regional and local policy and requirements of section 28 guidelines.

#### **6.5 Applicants Statement of Material Contravention**

The applicant has submitted a Material Contravention Statement, as provided for under Section 8(1)(iv)(II) of the Act of 2016. The statement sets out the justification for the proposed residential development, in particular the proposed:

- Height.
- Unit Mix.

which are stated to materially contravenes the Dublin City Development Plan 2016-2022.

It is submitted that in the context of Section 9(6) of the Act of 2016, the proposed development may be deemed by the Board to represent a material contravention of the 2016-2022 Dublin City Development Plan in relation to:

**Building Height:** Section 16.7.2 of the Dublin City Development Plan identifies building heights for the city and identifies a building height cap of 24m for residential development in this location. The Section 28 Ministerial Guidelines Urban Development and Building Heights – Guidelines for Planning Authorities published in December 2018 establish the principle for the re-examination of height limits and should be considered over the Development Plan height limits on a site specific contextual basis.

**Unit Mix:** Section 16.10.1 of the Development Plan, which refers to unit mix and floor areas, and it is considered that the Development Plan predated the introduction of Specific Planning Policy Requirements (SPPRs) in the 'Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Plan.

### **Justification for Material Contravention:**

#### **Height:**

It is considered that the proposed development fully supports the policies of Rebuilding Ireland by delivering 350 no. new homes in an existing urban area, with 35 no. of the proposed dwellings being delivered for social housing in compliance with the requirements of Section 96 of Part V of the Act of 2000. As such, it is considered that the proposed development is of strategic importance to deliver the national objectives of Rebuilding Ireland programme.

The proposed development consists of a mixed use scheme, on an underutilised brownfield site which represents an ideal opportunity to provide for increased densities and increased heights in accordance with the NPF objectives, without detriment to existing residential amenity in the area. The NPF places a strong emphasis on the need to increase building heights in appropriate locations, within existing urban centres and along public transport corridors. Given the contextual location of the subject site, it is considered that the proposed development, being located within the existing urban environs of Santry and adjacent to both existing and proposed public transport routes, is wholly appropriate in terms of height and density and ought to be granted permission as it supports the national policy objectives of the NPF.

The subject site is located adjacent to the existing Swords Road QBC and the proposed BusConnects Corridor on Swords Road. The site is well served by existing bus stops on both Swords Road and Santry Avenue. In light of same, it is considered that the proposed development is within easy walking distance to/from high frequency urban bus services and, therefore, the proposed density and building heights are justified in the context of the Section 28 Apartments Guidelines. The proposed development will deliver increased urban density, in the form of apartment development, on an underutilised brownfield site located next to existing public transport infrastructure, and therefore supports national policy contained in the Apartment Guidelines.

It is considered that the proposed development fully supports the objectives of the Urban Design & Building Height Guidelines. The proposed development will efficiently reuse / redevelop an underutilised brownfield site located within an existing urban environment, with the proposed development providing for a level of density and building heights that are capable of being supported by the site. The proposed development includes for non-residential uses at ground floor level, which will provide for employment opportunities, and includes for an appropriate mix of housing options which will increase variety in the area

It is submitted that the UD&BHG clearly state that Planning Authorities and An Bord Pleanála are required to have regard to, and apply, any SPPRs of the UD&BHG in carrying out their functions, and that the SPPRs stated in the UD&BHG take precedence over any conflicting policies and objectives of development plans, local area plans and strategic development zone planning schemes. The UD&BHG contain 4 no. SPPRs which are discussed in the following sub-sections, together with the proposed development's compliance with same.

Compliance with the criteria set out in section 3.2 is contained in the Material Contravention Statement.

### **Unit Mix:**

The Development Plan was adopted before the publication of the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2020). Therefore, the principal justification for the Board in contravening the Development Plan standards relating to dwelling mix, if this is considered a material contravention, would be to ensure that strategic level planning policy and the Specific Planning Policy Requirements of Ministerial Guidelines relevant to the proposed development at this site are implemented.

### **Conclusion:**

The applicant submits that the proposed development can be granted permission, notwithstanding that An Bord Pleanála may consider it to be a material contravention of the Dublin City Development Plan 2016-2022, and its objectives in relation to building height and residential unit mix.

The applicant respectfully puts forward that under Section 37(2)(b)(i) of the Act of 2000 that the Board can grant permission for the proposed development having regard to the strategic national importance of delivering new housing on sites in appropriate locations.

It is also respectfully put forward that under Section 37(2)(b)(iii) of the Act of 2000 that the Board can grant permission for the proposed development having regard to the proposed development's compliance with the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009), the Urban Development and Building Heights Guidelines for Planning Authorities (2018) and the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2020).

The applicant notes that under Section 9(3)(b) of the 2016 Act (as amended), provides that to the extent that they differ from the provisions of the Development Plan or Local Area Plans, the provisions of SPPRs must be applied instead. Under the current proposal, the most relevant of these requirements is SPPR 3(A) of the Building Height Guidelines which applies to the assessment of this proposal to the Board. It is submitted that the performance criteria under Section 3.1 and 3.2 of the Building Height Guidelines have been satisfied in this regard by the current development proposal.

It is also submitted that the performance criteria under "Housing Mix", as set out in the Apartment Guidelines, and specifically SPPR1 and SPPR 3 of same have been satisfied in this regard by the current development proposal.

In these circumstances the Board is advised that the proposed building heights of the subject development are in keeping with the proper planning and sustainable development of the area and that permission may be granted for the proposed development under Section 37(2)(b)(i) & (iii) of the Act of 2000

## **6.6 Designated Sites**

The proposed development is not in or adjacent to any Natura 2000 site. The following sites are identified within 15km of the site:

SAC:

- South Dublin Bay SAC (site code: 000210) c.7km from site.

- North Dublin Bay SAC (site code: 000206) c.5.8km from site.
- Baldoyle Bay SAC (site code: 000199) c.6.9km from site.
- Malahide Estuary SAC (site code 001232) c.7.8km from site.
- Howth Head SAC (site code: 00202) c.10.2km from site
- Rogerstown Estuary SAC (site code 000208) c.11.7km from site.
- Rockabill to Dalkey Island SAC (site code: 003000) c.10.9km from site.

SPA:

- South Dublin Bay & River Tolka SPA (site code: 004024) c.4.1km from site.
- North Bull Island SPA (site code: 004006) c.5.8km from site.
- Baldoyle Bay SPA (site code: 004016) c.7.2km from site.
- Malahide Estuary SPA (site code 004025) c.7.8km from site.
- Ireland's Eye SPA (site code 004117) c.11.5km from site.
- Rogerstown Estuary SPA (site code 004015) c.12.1km from site.
- Howth Head Coast SPA (site code 004113) c. 12.6km from site.

With regard to other designations, I note that the site is proximate to Santry Demesne pNHA.

## 7.0 Observer Submissions

The Board received 37 valid submissions, these included 4 from Prescribed Bodies (refer to section 9 of this report) and 68 observer submissions which I propose to summarise in this section.

A submission has been received from Chadwicks Group Ltd (c/o Maples & Calder (Ireland) LLP) who are tenants and operate from the site at present.

26 submissions are from local residents of Santry Villas, Santry Close, Coolock Lane, Swords Road, Oakpark Avenue, Oak Green, Oak Grove, Lorcan Drive, Lorcan Road, Shanowen Crescent, Shanowen Drive, Parklands, Magenta Hall, White Oaks and Oldtown Park.

2 of the submissions have been received from local residents' associations/groups: Santry Community Association and Santry Forum.

3 submissions have been received from political representatives: Cllr Alison Gilliland, Cllr John Lyons and Roisin Shortall TD.

There is a significant degree of overlap and reiteration of issues raised in the submissions from local residents, local groups and political representatives and I propose to summarise these by topic rather than individually.

A submission is also received from John Conway and the Louth Environmental Group (BLC Solicitors).

In summary the topics raised are summarised below and are dealt with later in the assessment that follows.

**Principle of Development:**

- The proposed, predominantly residential, development is contrary to the Z3 zoning.
- An LAP is required for the area.
- Proposed non-residential uses do not provide a meaningful level of employment and the residential use is disproportionate to the services provided.
- There will be displacement of local employment uses from the area while increasing population.
- The displacement of employment and community facilities outside Santry will necessitate private car journeys which should be planned for.

**Material Contravention**

- Height is a material contravention of the heights set out in the Dublin City Development Plan 2016-2022.
- The applicant cannot rely on 2018 Apartment Guidelines in the Material Contravention Statement as these are superseded by the 2020 Guidelines.
- The development materially contravenes the development plan in relation to dwelling mix and floor areas and cannot be justified under SPPR1 or SPPR8.
- The development materially contravenes the development plan in relation to density.

**Community Infrastructure**

- There is a lack of social and community infrastructure in the area including schools and health services.
- In combination with adjoining permitted development, there is a significant level of development and population increase proposed for the area, with impacts on the amenities and character thereof.
- There is no overall plan or review of the appropriate level of development for the area, and applications are assessed on a stand-alone basis.
- An LAP for the area is required which should consider the infrastructure and services required to serve the increasing population.
- The Dept. of Education previously raised concerns regarding the lack of school provision in this area. The information in the EIAR in this regard is unreliable.

- The lack of childcare facilities should not be accepted and the conclusions of the childcare demand assessment are questioned.
- There is a lack of quality amenities and open space for existing residents.
- Santry Demesne lacks active recreational facilities and does not obviate the requirement for recreational and public open space within the site.
- Reference to Morton Stadium and Trinity Sports Grounds as amenities is inappropriate as they are not publicly accessible.
- There has been a lack of public consultation with the local community.
- Regard should also be had to potential development of lands east of the M50.
- Reliance on 2016 Census data does not reflect the extent of permitted development in the wider area.
- An LAP should consider a housing mix that will encourage downsizing and contribute to community development.

### **Density**

- The proposed density and scale of development is excessive for this edge of city location, with no service plan and without high amenity values.

### **Design/Height/Materials & Finishes**

- Building heights are excessive and out of character with the area.
- This is not an appropriate location for high-rise development.
- The height contravenes the development plan, and the provisions of SPPR 3 of the Building Height Guidelines are not satisfied.
- The site does not satisfy the requirement of SPPR 3A for current high frequency public transport services due to current capacity issues, and future transport proposals.
- Inappropriate mass and scale of development
- No assessment of bird impacts/strikes has been undertaken.
- The development is not of strategic or national importance and no justification in this regard has been provided.
- Permission cannot be granted where it would have to be justified under the Building Height Guidelines and Apartment Guidelines, as they are ultra vires and not authorised by section 28(1)(c) which is unconstitutional
- The finishes and materials are of high quality,
- The finishes and materials are not high quality and out of character with the area.
- In combination with recent development, the design creates a canyon effect along Swords Road and the design is not consistent with adjacent development
- High rise development was not successful in Ballymun and those mistakes are being repeated, contrary to development plan Objective QH12.

- There is a failure to consider cumulative impacts of developments on the area.
- There is sufficient apartment provision in the area and more affordable family units are needed to meet local housing need.
- The CGI images do not reflect the proposed development.
- A similar design has already been refused as Phase 2 of Santry Place.
- The use of the access to Santry Place was not part of that original permission.
- High rise developments are associated with mental health issues.
- Developments should provide community supports and a design that contributes toward building community.

### **Residential Standards and Residential Amenity**

- Inadequate open space which does not comply with BRE targets (sunlight).
- Recent development already creates a wind tunnel effect along Swords Road.
- Microclimatic impacts of the development, including wind, shadow and sunlight and daylight impacts have not been assessed.
- Open space is attractive and proximity to Santry Demesne is an advantage.
- Communal open space is inadequate, having regard to development plan standard and the extent of private amenity space provision is questioned.
- Recent developments have resulted in daylight and sunlight impacts on adjoining residential privacy, and have added to dust and noise impacts.
- Living spaces should accommodate current home working requirements.
- The development will have overbearing impacts on adjoining dwellings.
- There will be negative impacts on the amenities and views from Santry Villas.
- Proximity to the airport raises safety concerns.
- There is limited capacity to deal with fires in high rise buildings. National Policy Objective 4 is not satisfied with regard to the wellbeing of residents. The development appears to be contrary to fire safety regulations.
- Studies indicate that high rise developments impact on air quality and proximity of the site to the M50 and port tunnel exacerbates this risk.
- Air quality monitoring and a risk assessment should be undertaken before development proceeds.
- Potential impact from fumes from planes
- Lack of childcare

### **Traffic and Transportation**

- The development will exacerbate existing congestion in the area, which already leads to traffic diverting onto local residential roads, with road safety impacts.
- Proposed parking provision is too high adjoining high frequency public transport, and that all car parking should be omitted.

- lack of parking will result in overspill parking on adjoining roads.
- The high number of cycle parking spaces is welcome and Bus Connects will enhance cycle infrastructure in this area.
- Construction workers should only be permitted to park within the site.
- The description of the site as well served by frequent high-capacity public transport is not supported.
- The area is served by bus services only. These services do not originate in Santry and lack capacity as they pass through from other areas.
- The lack of continuous bus lanes in this area increases journey time.
- The Mobility Management Plan (MMP) depends on Bus Connects, which should be substantially complete prior to approval of this development.
- The mobility management plan fails to identify the junction at Santry Place and adjacent development.
- Pedestrian and cycling infrastructure in the area is deficient and the lack of a cycle lane on Santry Avenue is a concern.
- Development is premature pending the deliver of BusConnects.
- Existing council maintenance services and activity in the area are inadequate.
- The approved left-in / left-out arrangements on Swords Road permitted as part of the Santry Place development are not being adhered to. That entrance layout causes difficulties for traffic accessing the site from the north.
- No consideration is given to pedestrian and cycle movements to existing amenities and schools in the area.

### **Drainage and Flooding**

- There is a history of flooding on the Swords Road at this location and a highwater table has necessitated pump installation in basements in the area.
- The development will contribute to these drainage issues.
- Recent development has impacted on foul sewer capacity which will be exacerbated by the proposed development.
- Water pressure in the area is already poor.
- It is not clear that Ringsend WWTP has capacity for additional development.

### **Biodiversity/Ecology**

- The timing of bat surveys undertaken of the site are outdated.
- Desktop surveys do not refer to the results of 2006 Fingal Co. Co. surveys in Santry Demesne, which suggests the presence of bats proximate to the site.
- The development may impact on a flight path associated with a bat colony at St. Pappan's Church. Further assessment is required in this regard.
- The spread of invasive species will be encouraged by the wind effects.
- Hedgerow removal will result in loss of biodiversity.
- There may be cumulative impacts on habitats, trees and wildlife in Santry Park due to the height and spacing of buildings and microclimatic effects.

### **Built & Cultural Heritage**

- Existing attractive industrial buildings on the site should be retained.
- The development will impact on remaining heritage areas and features in Santry, Villas and St. Pappan's Church.
- A plan to protect the heritage of the area is required.

### **Environmental Impact Assessment (EIA)**

- The Board lacks ecological and scientific expertise and/or does not appear to have access to such ecological/scientific expertise in order to examine the EIA Screening Report as required under Article 5(3)(b) of the EIA Directive.
- The EIAR is deficient in the assessment of increased population demands on services, the impact on biodiversity and human health, a failure to consider
- The EIAR is unclear with regard to the layout of development proposed.
- The SHD process reduces local, democratic decision making and reduces public participation.
- The EIAR does not consider potential impact of the height of the buildings on bird flight paths/lines and collision risks.
- The SHD process is contrary to the EIA directives as the public cannot view statutory reports and advice, such as the CE report, prior to making observations.
- Inadequate assessment of Santry Demesne pNHA and North Dublin Bay pNHA.

### **Appropriate Assessment (AA):**

- The AA Screening is insufficient and contains lacunae and is not based on appropriate scientific expertise – as such the Board cannot comply with the requirements of the Habitats Directive and relevant provisions of national law under the Planning and Development Act 2000 (Ref. to Holohan & Ors v ABP preliminary ref. 7 November 2018 para 33) and reference to various European cases.
- The proposed development does not comply with the requirements of the Planning and Development Act 2000 (as amended) (under Part XAB of the 2000 Act (SS 177R-177AE) the Habitats Directive due to inadequacies, lacunae in the AA Screening Report prepared by the developer for the Board, does not have sufficient and/or adequate information before it to carry out a complete AA screening in relation to the proposed development.
- The AA screening report does not provide sufficient reason for findings are required under Article 6(3) of the Habitats Directive and national law, to the requisite standard. There is an absence of reasoning provided in relation to screening conclusions by reference to scientific information.
- The Zone of Influence (ZoI) is not reasoned or explained.
- The NIS is inadequate, in particular inadequate information is provided in the NIS to screen out potential impact on birds.

- No regard and/or little regard to cumulative effects.
- The Board lacks sufficient and adequate information to carry out AA Screening and AA. Inadequate information is presented to screen out potential impact on birds, including bird flight paths and collision risk.
- The AA screening assessment does not provide sufficient information on the methodology or conclusions in respect of protected sites which are screened out. The defined Zone of Influence is not reasoned or explained.
- The Santry River flows to Dublin Bay and is of poor status and at risk of not meeting its WFD objectives.
- Reliance on Ringsend WWTP is flawed given its current status.
- Mitigation measures designed to address impacts on a protected site cannot be relied upon at Screening Stage. Procedural matters

#### **Validity of Planning Application:**

- The application and application documentation does not comply with the requirements of the Planning and Development Regulations 2001 (as amended) in terms of particulars provided with the application in respect of the proposed development, including in relation to the plans and particulars lodged. The application documentation does not comply with the requirements of the 2016 Act and the associated Regulations in relation to the requirements for detailed plans and particulars.
- The application documentation has not demonstrated that there is sufficient infrastructure capacity to support the proposed development, including by reference to public transport, drainage, water services and flood risk.

#### **SEA Directive**

- The Board should refuse to consider and cannot grant permission for the proposed development in circumstance where such grant would have to be justified by reference to the Guidelines for Planning Authorities on Urban Development and Building Height 2018 and the Apartment Guidelines dated December 2020. These Guidelines and the specific planning policy requirements contained therein are ultra vires and not authorised by section 28(1C) of Planning and Development Act 2000 (as amended). In the alternative, insofar as section 28 (1C) purports to authorise these Guidelines including specific planning policy requirements, such provision is unconstitutional/repugnant to the Constitution. The said Guidelines are also contrary to the SEA Directive, insofar as they purport to authorise contraventions of the development plan/local areas plan, without an SEA being conducted, or a screening for SEA being conducted, on the variations being brought about to the development

#### **Oral Hearing Request**

One submission (Santry Forum) included a request for an oral hearing on this case.

The case made by the observers requesting an oral hearing revolves around the following: traffic and transportation, fire safety, environmental impact, mental health, ecology, flooding, infrastructure capacities, compliance with land use zoning objectives, material contravention of the Development Plan, aggregated development, impact on local community and facilities and planning matters including inter alia height/scale/massing and planning history.

Please refer to section 10 where I address this matter.

## **8.0 Planning Authority Submission**

In compliance with section 8(5)(a) of the 2016 Act the planning authority for the area in which the proposed development is located, Dublin City Council, submitted a report of its Chief Executive Officer in relation to the proposal. This was received by An Bord Pleanála the 31<sup>st</sup> August 2022. The Planning Authority in principle have no objection to the proposed development subject to amendments. The report may be summarised as follows:

### **8.1 Information Submitted by the Planning Authority**

The submission from the Chief Executive includes details in relation site location and description of proposal, zoning, planning history, interdepartmental reports, summary of submissions/observations, summary of views of elected members, policy context and assessment.

### **8.2 Summary of views of Elected Representatives - Meeting of the North Area Central Committee (28<sup>th</sup> July 2022). (15 no. Cllr recorded in attendance). Refer to Appendix B of the CE Report.**

Below is a summary of the views of the relevant Elected Representatives:

Height / Density and the Dublin City Council Development Plan:

- Members were particularly concerned about the height of the proposed apartment blocks which range in height from 7 to 14 storeys. They especially considered the 14 storey block too high. It was stated that the proposed SHD application was in contravention of the DCC Development Plan.
- The proposed development was considered too high a density for the area and Members are particularly concerned that if this application is approved that it would create a precedent for future SHD applications in the local area.
- The proposed building heights will be an issue for local residents as well as the people who will eventually live in the proposed development.
- They consider this proposed application an over development of a small area and recommend that DCC should look at this application in the context of other developments in the area.

Part V Obligations.

- Members raised concerns about the fact that all of the Part V proposed apartments are located in one Block (Block F).

#### Traffic – Car and cycling parking

- Members highlighted the fact that there are already serious traffic issues in Santry and are concerned about the traffic impact on Santry Avenue.
- Concerns were raised about the entrance and exit junctions. How are they going to be developed?
- Query raised concerning the impact of the construction traffic during the construction phase considering that Santry Lane is unable to accommodate buses presently.
- Clarification was required in relation to the number of EV charging points for electric vehicles being supplied within the proposed parking area for the development.
- Concerns were raised that there was no mention of cycle parking spaces on Santry Avenue. This road is incredibly dangerous for cyclists and there is no indication of a safe bicycle route being proposed.
- Members queried the level of security for bicycle parking within the proposed development.

#### Landscape – Open Space – Amenities.

- Members sought clarification on the operation of the GP practice and how many GP's would be working there. They suggested that a Primary Care Centre would be better suited to this development.
- Concerns were raised over the availability of educational spaces and facilities that would be required to accommodate this development. There is already a shortage of these services presently in the local area. There have been over 2300 units proposed or built within a 1km zone recently with no extra school or transport facilities being supplied.
- Members queried the use of the Community and Residential units that were proposed. What size are they and what would they be used for?
- Concerns were raised over the proposed 4 commercial units and whether there was an actual need for them. Concerned that they would remain vacant.
- Concerns raised over the fact that there is no proposed crèche facility for this development.
- Members consider the proposed Open Space inadequate for this development.

#### Design and Layout

- Member expressed concerns about the Sunlight / Daylight issues. They believe that it will be uncomfortable for the residents living there especially with a 14 storey apartment block within the development. It contravenes the DCC Development Plan and is contrary to good residential development.

- Concerns were raised about the Single and Dual aspect of the apartments and the views from the apartments.

#### Local Area Plan

- Members expressed concerns over the fact that there is no Local Area Plan for the area. This proposed development will result in about 1500 extra residents with no provision for extra resources. Members wish to highlight that local residents are crying out for a Local Area Development Plan.

### 8.3 Planning Assessment

#### Zoning and Principle of Development

- All uses proposed are permissible under Z3 land use zoning.
- Provision of 14.8.3 for Neighbourhood centres is highlighted. The planning authority notes that while the percentage of development dedicated to purely residential use is indeed considered significant, it is proposed to be provided above ground floor level and at higher densities with neighbourhood shops/amenities/residential and community amenities provided at ground floor level where they address the public domain. The ratio of uses is similar to recently permitted developments on Z3 lands. The planning authority therefore considered that the development does not contravene the requirements of the zoning objective for the site.

#### Demolition

- Conservation office recommends refusal due to the demolition of the existing buildings on site.
- Chadwicks have also submitted an objection to the demolition due to their inability to find an alternative premises.
- The planning authority noted the siting of the structures on site and stated that notwithstanding the attractive nature of the building, and notwithstanding the submission from Chadwicks, it does not constitute an efficient use of serviced zoned land in a built up area, having a low site coverage and a low plot ratio.
- The planning authority considers, given existing policies (both at city level in the 2016-2022 City Development Plan) and at national level on intensification of use and density in built up areas, the retention of this building (which is not included in the NIAH, is not a protected structure and is not proposed as a protected structure) is not justified and its demolition is considered acceptable.

#### Layout

- The planning authority is satisfied with the general layout and orientation of the 7 no. blocks.

#### Height

- All proposed blocks exceed to allowable height standards set out in the City Development Plan.
- The planning authority notes changes to national policy in height since the adoption of the 2016 City Development Plan.
- Reference to observer submission where it is suggested that development on the site is premature pending the finalisation and completion of the Bus Connects network, given the demands on public transport during weekday rush hour. Reference to 2020 legal judgement is also noted. However, the planning authority stated that holding development in abeyance until the finalisation of transport infrastructure would be contrary to the position normally adopted by the planning authority, which considers future planned transport capacity in the assessment of development capacity of sites, both at forward planning and development management stage, in an integrated and iterative manner.
- The planning authority notes that the emerging character of Santry village/Swords Road is 7 storeys with 12 storeys permitted on the Omni site.
- The planning authority considers the 14 storey height of block A excessive and fails to integrate into its immediate environs.
- The planning authority also has concerns with regard to the 10 storey high blocks (D and E) as they present along Santry Avenue and would dominate and having an overbearing impact on the public domain and significantly increase overshadowing impacts on the immediate environs.
- Block A, D and E also no set backs on the upper levels to soften the impacts.
- It is considered that a reduced height for Blocks A, D and E would address the concerns of the planning authority and it is recommended that a condition be attached to any grant of permission requiring that Block A is reduced from 14 to 10 storeys (maximum height of 35m with top floor setback) and Blocks D and E reduced from 10 storeys to 7 (maximum height of 23m with top floor setback). Results in a reduction of 12 units (36 bedspaces) in Block A and 78 bedspaces in Block D & E combined. Overall 9% reduction.
- Concerns relating to the proposed materials and finishes are also highlighted.

### **Daylight/Sunlight & Shadow Assessment**

- The planning authority welcomes the high levels of ADF achieved for bedrooms throughout the scheme and would consider that units that have lower levels of ADF for living areas will enjoy a good standard of residential amenity overall with bedrooms of same units performing well and above the recommended target levels for daylight standards.

- With regard to sunlight, the planning authority notes that the development does not perform particularly well in this regard with only 58% of the tested living rooms passing the APSH (not the 80% target) and 56% passing the WPSH at first floor. With 71% passing APSH and 80% pass WPSH at 3<sup>rd</sup> floor level. The planning authority noted the improved results at upper level which are closer to the targets.
- Concerns regarding amenity spaces highlighted but on balance the planning authority consider that a sufficient standard of daylight would be provided to the proposed apartment units when taken in conjunction with the alternative compensatory measures introduced into the scheme to offset the lower than recommended daylight levels.

### **Flooding**

- Refer to the DCC Drainage Division report which raised no objection subject to conditions.

### **Micro-Climatic Effects**

- Roof terraces are mislabelled and have mixed results. It is noted that this is a retrospective wind assessment and no amendments have been proposed on foot of its less than favourable results.

### **Bats**

- Survey submitted and recommended soft mitigation measures noted.
- Refer to report from Parks, Biodiversity & Landscape Services where no concerns were raised regarding bats (nor does the report reference them).
- It is recommended that the recommendation as set out in section 4.0 of the Bat Survey Report (May 2021) be integrated into the detailed final design of the development.

### **Safe Air Navigation**

- The site is located within the Obstacle Limitation Surface for Dublin Airport and no structure should exceed 112m above OS Datum (mean sea level Malin Head).
- Recommendation to reduce the height of 3 blocks means Block A 11 storeys (35m) and Block D& E to 7 storeys (23m)

### **Residential Mix**

- The low percentage of 3 bed units is noted which is in contravention of the standards set out in the City Development Plan, the planning authority considers the mix proposed to be generally acceptable and in accordance with the 2020 Apartment Guidelines. Recommended amendments to Block G could accommodate more 3 bed units.

### **Housing Quality**

- 171 no. apartments (48%) exceed the minimum floor area by 10% not 50% as required under SPPR1. Amalgamation of units could address this.
- Rooms meet minimum areas and widths.
- Storage may need to be clarified.
- Floor to ceiling heights are acceptable.
- 53% are stated to be dual aspect. Most have east or west orientation but a number are predominantly or primarily north facing
- There is a high percentage of single aspect but there are no north facing single aspect units. The majority have views over open space with the exception of Block G which are west facing but with no view over an amenity space (view over the access road into the scheme).
- All 3 bed are dual aspect.

### **Private Open Space**

- Private open space is in the form of balconies. All appear to comply with, or exceed Apartment Guideline quantitative standards.
- Some are 1.4m deep not 1.5, this could be addressed by condition.
- The planning authority considers the overall quality is good as in the main the balconies overlook with the communal or public courtyards, have good orientations and area at a remove from neighbouring balconies thereby providing for greater levels of privacy and less noise transferring from one balcony to an neighbouring.

### **Landscaping, Trees and Public Open Space**

- Refer to report from Parks, Landscape & Biodiversity Division.
- The tree population is generally located externally to the site boundary but in close proximity. The tree/hedge impact is considered low and there is adequate compensatory planting under the landscape architecture proposals.
- The locality is adequately served by existing public open space due to the close proximity of Santry Park. The proposed public open space will not be taken in charge and conditions safeguarding future public access and use area required.
- Public open space is measured up to the building façade which is not acceptable as a buffer strip as communal/private open space is required for all ground level apartments. Therefore the quantum of public open space as submitted may need to be reviewed.
- In terms of quality, the space is well connected with Santry Avenue with relative ease of continued pedestrian access into Santry Demesne Park and good visual connection with same while also achieving good connections with the large area of public open space to the south of the site at Santry Place.
- Proposed coffee shop opening into the area of open space.
- All areas of outdoor amenity space comply with sunlight requirements for 21<sup>st</sup> March.

## **Communal Open Space**

- 3122sq.m of communal open space is stated to be provided in the form of surface-level community space between.
- Blocks A/B and C/D where the applicant indicates c.1190sq.m, while the planning authority calculates c.925sq.m.
- Rooftop of Block C where the applicant indicates c.707sq.m, while the planning authority calculates c.630sq.m, the applicant has included all buffers in the calculation.
- Rooftops of Block A.
- Amenity Block c.106sq.m.
- Rooftop of Block F where the applicant indicates c.436.1sq.m, while the planning authority calculates c.330sq.m, the applicant has included all buffers in the calculation.
- Rooftop of Block C where the applicant indicates c.436.1sq.m, while the planning authority calculates c.330sq.m, the applicant has included all buffers in the calculation.
- Rooftop of Block A c. 269sq.m.
- The planning authority questions the figures provided by the applicant with regard to communal open space. The planning authority calculates a total of c.2300sq.m communal amenity space slightly above the minimum quantitative requirements.
- As with the public open space, the orientation of these spaces is good and overall the planning authority is satisfied with the quality of same.

## **Social Audit**

- The development provides a community hub (c.188sq.m) and a residential amenity block (c. 187sq.m).
- The planning authority considers it reasonable that a creche facility be provided for within the development and noted a suitable location may be in Block C at ground floor level.

## **Transportation**

- Refer to Transportation Planning Division Report.
- There are two existing entrance onto the site along Santry Avenue. It is proposed to close the entrance that currently serves the builders merchants and modify the other access. An additional access and internal access road was approved under PA Reg. Ref. 2713/17 to serve the adjoining development. These are included within the current application site boundaries and provide on street parking, access to basement car and bicycle parking.
- Works to public realm proposed and letter of consent from DCC submitted.

- DCC Transportation Planning Division noted that under the most recent Bus Connects proposal (Revised Network Map 2020) for the Swords Road to City Centre (CBC no. 2), the proposed development would not appear to impact on the delivery of this route along this corridor.
- Development provides 209 carparking spaces (ratio 0.59). The sale of parking spaces with residential units is not supported by DCC Transportation Planning Division.
- Discrepancies in the number of bicycle parking spaces proposed, reference to 805 on site layout, Public notices refer to 777, therefore this is the figure used in the DCC assessment.

#### 8.4 Inter-Departmental Reports

**Transportation Planning Division:** No objection subject to conditions relating to a) a Demolition management Plan, b) Construction Management Plan, c) issues raised in Stage 1 Road Safety Audit, d) works to public roads and footpaths, e) 2m wide footpath along perimeter of site along boundaries with Swords Road and Santry Avenue, f) omission of loading bays along Santry Avenue, g) measures in the Mobility Management Plan, h) cycle parking, i) carparking spaces not to be sold, j) costs incurred by DCC at expense of developer, k) compliance with code of conduct.

**Drainage Division:** No objection subject to a) compliance with Greater Dublin Regional Code of Practice for Drainage Works, b) verification of surface water sewers, c) connections, d) drained to a completely separate system, e) surface water f) infiltration, g) attenuation h) petrol interceptor, i) flood mitigation measures contained in SSFRA, j) ground water discharge, k) basement flooding, l) surface water outfall, m) tic.

**Parks, Biodiversity and Landscape Services:** No objection subject to conditions relating to a) tree bond, b) tree protection and requirement for arborist, c) open space management, d) implementation of landscape scheme.

**Housing Section:** Noted applicant has engaged with the section and is aware of their obligations.

**Archaeology Conservation & Heritage Section:** The Architectural Conservation Officer recommend that permission be refused on the ground that the applicant has not demonstrated any consideration of the architectural conservation issues raised during the consultation process regarding the merits of retaining the showroom/office blocks (only) of this 20<sup>th</sup> Century building. Whilst it is acknowledged that the building is not a protected structure, the proposed demolition and irreversible loss of this exemplar modernist light industrial/commercial 20<sup>th</sup> century structure, would represent a serious loss to the architectural heritage and amenities of the area, which would not be acceptable to the Conservation Section.

**Archaeology Section:** The site is not located within a Zone of Archaeological Constraint for a Recorded Monument listed on the Record of Monuments and Places (RMP).

The site contains a Protected Structure (Glebe House, RPS Ref: 7560) as defined in the Dublin City Development Plan 2016-22. It is the policy of the Dublin City Development Plan 2016-22 (Section 11.1.5.15: CHC2): to ensure that the special interest of protected structures is protected. *(I wish to highlight to the Board that this appears to be an error and there is no Glebe House on site).*

The subject site is adjacent to a Recorded Monument DU014-057 (ecclesiastical remains), around which the medieval village of Santry developed. This RMP designation refers to the current St Pappan's Church, which was built in 1709 on the site of a twelfth century parish church, which in turn had been built within an earlier ecclesiastical enclosure associated with St Pappan. The remains of the enclosure and a holy well (RMP DU014-057004) survive near the present church (RMP DU014-057001) and graveyard (DU014-057006). The remains of Santry House, built in 1703 (RMP DU014-030), survive approximately 400m to the northwest of the proposed scheme

The Archaeology Section concurred with potential archaeological impact and mitigation as proposed in the submitted Archaeological Assessment. And recommended that archaeological monitoring be required by condition.

**Air Quality Monitoring & Noise Control Unit:** No objection subject to conditions relating to noise control and air control at construction and operational phase.

**Environment & Transportation Department – Waster Regulation & Enforcement Unit:** No objection subject to conditions relating to waste regulation and enforcement.

## 8.5 Chief Executive Report Recommendation

Recommend that a decision be made to grant planning permission for the proposed development subject to 24 no. conditions

Conditions are broadly standard with the following conditions of note set out:

1. *Plans and particulars*

2. *The development shall incorporate the following amendments:*

(a) *Block A shall be reduced form 14 storeys to 11 storeys/maximum 35 metres (with the top floor set back).*

(b) *Block D and E shall be reduced from 10 storeys to 7 storeys/maximum of 23 metres (with top floor set back).*

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

*Reason: To ensure the proposal responds appropriately to its overall natural and built environment and makes a positive contribution to the urban neighbourhood and streetscape, to protect the existing residential amenities of the area.*

3. *The development shall incorporate the following amendments:*

*(i) Direct access shall be provided for from living area of apartment G03/1B into the communal open space by way of double doors or otherwise (a small buffer terrace may also be included at this location).*

*(ii) The balcony floors of all units shall be solid and self-draining and shall have minimum depths of 1.5m in one usable length.*

**Reason:** *To improve the amenity level of the apartments.*

4. (a) *Apartment nos. C02/2B and C03/2B and the associated communal corridor located on the ground floor of Block C shall be omitted, and the resultant floor areas amalgamated to provide a childcare facility. This space shall be provided and permanently maintained within the scheme prior to the occupation of any residential units.*

*(b) Commercial units A shall be utilised as a cafe/restaurant. This shall not be used for sale of hot food off the premises (that is, as a takeaway) unless authorised by a further grant of permission.*

*(c) Commercial units B, C and D shall be utilised as retail units.*

*(d) Commercial unit E shall be provided as a medical suite/GP practice unit.*

*(e) The use of the Community Space on the ground floor of Block E shall be restricted to Class 10 use as set out in Part 4 of Schedule 2 to the Planning and Development Regulations as amended. This space and the Residential Amenity Space shall be provided and permanently maintained within the scheme prior to the occupation of any residential units on site.*

*(f) Prior to the occupation of the community space a special purpose vehicle, which could take the form of a corporate, charitable or not for profit organisation that would hold the freeholding/long leasehold interest in the community space to ensure that its purpose is to provide for the greater benefit of the community, shall be established.*

*(g) Details of all signage, lighting (if any) of all ground floor units shall be submitted.*

**Reason:** *In the interest of residential amenity and to provide for an appropriate mix of uses in this neighbourhood centre (Z3-Zoned) site and provide an adequate standards of residential amenity for future residents of the scheme and improve the amenities of the area.*

5. *Relates to DAA requirements.*

6. *Relates to IW requirements.*

7. *Refers to mitigation measures and monitoring commitments identified in the EIAR.*

8. *No no.8 condition included.*

9. *Relates to DCC Transportation Planning Division requirements.*

10. *Relates to Air Quality Monitoring & Noise Control Unit requirements.*

11. *Relates to DCC Parks, Landscape and Biodiversity Division requirements.*

12. *Refers to recommendations contained in section 4 of the Bat Survey Report (May 2021).*

13. *Relates to DCC Drainage Division requirements.*
14. *Relates to conservation requirements and the Architectural Heritage Impact Assessment.*
15. *Compliance with Code of Practice.*
16. *Materials, finishes etc.*
17. *Naming and numbering.*
18. *Part V.*
19. *Management Scheme.*
20. *No additional development above roof level.*
21. *Codes of Practice.*
22. *Site development works and construction works.*
23. *Waste Management requirements.*
24. *Site and development works (times)*
25. *Noise.*

Appendix C includes recommended Bond and Contribution Conditions:

- A bond condition in respect of a development of two units or more.
- A section 48 development contribution.

## 9.0 Prescribed Bodies

Pursuant to article 285(5)(a) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant was informed at Pre-Application Consultation stage that the following authorities should be notified in the event of the making of an application arising from this notification in accordance with section 8(1)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016: Irish Water, Transport Infrastructure Ireland, national Transport Authority, Dublin City Childcare Committee, Irish Aviation Authority, Dublin Airport Operator and Fingal County Council

The following Prescribed Bodies have made a submission on the application:

### **Irish Water (IW):**

Irish Water made the following observations.

In respect of water:

- A connection is feasible subject to infrastructure upgrade by Irish Water. In order to accommodate the proposed connection to Irish Water water's network at the Premises the following works are required:
  - Connection main – Approx. 20m of new 200mm ID pipe main has to be laid to connect to the stie development to the existing 12" CI Main.

- On site storage for the average day peak week demand rate of the commercial section for 24 hour period. This separate storage is required to supply this demand and will have a re-fill time of 12 hours.
- Irish Water currently does not have any plans to extend its network in this area. Should you wish to progress with the connection you will be required to fund this upgrades.

In respect of Wastewater:

- A connection is feasible subject to infrastructure upgrade by Irish Water. There are capacity constraints in the downstream network. In order to provide capacity for the development the Santry Pumping Station will need to be redirected to the North Fringe Sewer catchment via an already laid rising main on Northwood Ave. This works are not on the Capital Investment Program and would need to be funded by the developer.
- Design Acceptance: The applicant (including any designers/contractors or other related parties appointed by the applicant) is entirely responsible for the design and construction of all water and/or wastewater infrastructure within the Development redline boundary which is necessary to facilitate connection(s) from the boundary of the Development to Irish Water's network(s) (the "Self-Lay Works"), as reflected in the applicants Design Submission.

Recommended conditions set out in the submission.

#### **National Transport Authority (NTA):**

- The proposed development interfaces with the BusConnects Swords CBC scheme. The CBC is provided for in the Transport Strategy and planning consent will be sought for same in the coming months. The NTA notes the provision of drawing no 200060-X-90-X-DTM-DR-DBFL-CE-1401 as part of the application and is of the view that it is likely that the development can proceed in a manner which facilitates BusConnects.
- The detailed design of the CBC scheme, however, has progressed since that assumed in the material submitted and it will be necessary for the applicant to demonstrate that the interface between the proposed development and the final CBC design facilitates the NTA's scheme. This includes the detail of the access arrangements from Swords Road.
- The NTA recommends that, in the event of a grant of permission, the applicant is required to liaise with the NTA in advance of and during construction in order to ensure that the proposed development, including the access arrangements, is undertaken in a manner which facilitates the BusConnects CBC scheme.

### **Transport Infrastructure Ireland (TII):**

- In the case of this planning application, Transport Infrastructure Ireland have stated that they have no observations to make.

### **Dublin Aviation Authority (DAA):**

- The site is located within the Obstacle Limitation Surface for Dublin Airport. As such, daa would recommend that no structure on site should exceed 112m above Ordnance Survey Datum (mean sea level, Malin Head). Furthermore, this requirement extends to any kind of rooftop development such as proposed plant or rooftop equipment, flues, chimneys, masts, antennae, parapet etc. and also applies to crane use (whether mobile or tower) during the construction phase.
- The proximity of the proposal to the airport means the operation of cranes during construction may cause concerns in relation to air safety, and at a minimum, requires further detailed assessment in relation to flight procedures at Dublin Airport. daa requests that a condition is attached to any grant of permission, requiring the developer to agree any proposals for crane operations (whether mobile or tower crane) in advance of construction with daa and with the Irish Aviation Authority.

## **10.0 Oral Hearing Request**

One Observer submission included a request for an Oral Hearing, details are summarised in section 7.

Section 18 of the Act provides that, before deciding if an oral hearing for a strategic housing development application should be held, the Board:

Shall have regard to the exceptional circumstances requiring the urgent delivery of housing as set out in the Action Plan for Housing and Homelessness, and

Shall only hold an oral hearing if it decides, having regard to the particular circumstances of the application, that there is a compelling case for such a hearing.

Having regard to the nature, scale and location of the proposed development, the particular issues raised in the submissions do not give rise to a compelling case for an oral hearing as set out in section 18 of the Planning and Development (Housing) and Residential Tenancies Act 2016, as amended.

## **11.0 Planning Assessment**

The Board has received a planning application for a housing scheme under section 4(1) of the Planning and Development (Housing) Residential Tenancies Act 2016. My assessment focuses on the National Planning Framework, the Regional Economic and Spatial Strategy and all relevant Section 28 guidelines and policy context of the statutory Development Plan and has full regard to the Chief Executive's report, third party observations and submissions by Prescribed Bodies.

The assessment considers and addresses the following issues:

- Principle of Development and Quantum of Development
- Design Strategy
- Residential Standard for Future Occupiers.
- Potential Impact on Adjoining Properties/Lands.
- Traffic and Transportation
- Services & Drainage
- Ecology & Biodiversity
- Part V
- Non-Residential Use
- Social Infrastructure
- Childcare
- Other Matters
- Material Contravention
- Chief Executive Report

## **11.1 Principle of Development, Quantum and Nature of Development**

### **11.1.1 Context**

Having regard to the nature and scale of development proposed, namely an application for 137 Build to Rent (BTR) apartments located on lands for which residential development is permitted in principle under the zoning objective Z10, I am of the opinion that the proposed development falls within the definition of Strategic Housing Development, as set out in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

Existing use on the site are associated with a builders merchants which are proposed to be demolished.

#### **11.1.2 Land Use Zoning:**

The site is located on lands which are the subject of Land Use Zoning Objective Z3, with a stated objective 'to provide for and improve neighbourhood facilities' Residential use is a permissible use.

Third parties and elected representatives in both submissions and in the Chief Executive report have raised concerns regarding compliance with the Z3 Neighbourhood Centre land use objective. The planning authority has not raised concerns regarding the proposed mix of uses and compliance with Z3 land use zoning and its stated objectives.

The Development Plan does not assign percentage for uses under Z3 zoning, While I acknowledge that the residential element is the prominent use I note that within the development retail/commercial units are proposed along with a community use for one unit and a GP Services/Medical Suite for another. All of which occupy ground floor locations fronting onto the public realm. The only block that is 100% residential is Block G located to the rear of the site. Having regard the proposed use mix I consider that the overall development complies with the Development Plan requirement for local facilities providing a limited range of services to the local population within 5 minutes walking distance, while also facilitating residential development at higher densities.

I note also the relatively large extent of Z3 zoned lands within this area, including existing commercial properties to the east of the Swords Road and which includes the recently completed Swiss Cottage development and lands further south. I do not consider therefore that further, extensive commercial / retail provision on the site would be warranted and that such could serve to undermine the District Centre role of the Omni Centre to the south. I do not therefore consider that the proposed development would undermine or contravenes the land use objectives of the development plan for this site or the wider area, and I note the opinion of the Chief Executive in relation to this matter.

Third-party observers submit that the development should be refused planning permission pending the preparation of a LAP for the area. The 2022 City Development Plan was adopted and comes into effect on the 14<sup>th</sup> December 2022, this application is assessed having regard to the current statutory plan in place i.e the Dublin City Development Plan 2016-2022 and within same there is no objective to prepare a Local Area Plan for this area and this would not comprise a reasonable basis for refusal in this case.

I refer to the provisions of the Guidelines for Planning Authorities in relation to the Regulation of Commercial Institutional Investment in Housing (May 2021). Having regard to the nature of proposed residential accommodation comprised entirely of apartments, it is not considered that the conditions outlined in these guidelines would be applicable in this case

Having regard to the zoning objective on the site, those uses which are permitted in principle, I consider the principle of residential development consisting of apartments retail/commercial units, café, community use and GP services/medical suite on this site is acceptable in principle subject to compliance with the relevant standards and other planning considerations which are addressed in this report. I do not consider it a material contravention of the lands use zoning objective Z3 as set out in the current City Development Plan.

### **11.1.3 Density**

Observers have raised concerns that the proposed density materially contravenes the Dublin City Development Plan 2016-2022.

The proposal is for 350 apartments on a site with a stated area of c.1.5 hectares, therefore a density of c.233 units per hectare is proposed.

Observer submissions and elected representatives have raised concerns in relation to the density and scale of the development given the size of the site, noting the level of development permitted and built in the area to date. Concerns were also raised that the development is premature pending the finalisation and completion of the Bus Connects network. I address Bus Connects in section 11.5. I note that the planning authority have stated that “holding development in abeyance until the finalisation of transport infrastructure would be contrary to the position normally adopted by the planning authority, which considers future planned transport capacity in the assessment of development capacity of sites, both at forward planning and development management stage, in an integrated and iterative manner.” I concur with this statement. Land is identified and assessed in terms of suitability for the relevant land use zonings, plot ratios, site coverage etc during the review of the Development Plan. In the case of Dublin city, this process concluded when the Dublin City Development Plan 2022-2028 was adopted in October and comes into effect on the 14<sup>th</sup> December 2022 which I note has the same land use zoning (Z3) for the application site in line with the current statutory Plan (Dublin City Development Plan 2016-2022) which I have had regard to.

The current Dublin City Development Plan states the council will promote sustainable residential densities in accordance with the Guidelines on Sustainable Residential Development in Urban Areas. With regard to plot ratio, I note it is indicated to be 1.76 and site coverage is 33.5%. The Dublin City Development plan sets out an indicative plot ratio for this site of 1.5-2.0, a higher plot ratio may be considered adjoining major public transport termini and corridors, which is applicable to this site. Site coverage indicated in the Development Plan is 60% for Z3 lands. The planning authority indicated that in terms of density, site coverage and plot ratio the development accords with the indicative ranges as outlined in the Dublin City Development Plan 2016-2022. I note the concerns raised by observers in relation to the material contravention of the current City Development Plan with regard to density. I do not consider it a material contravention of the current City Development Plan.

The Guidelines on Sustainable Residential Development in Urban Areas (SRDUA) states that for sites located within a public transport corridor, it is recognised that to maximise the return on this investment, it is important that land use planning underpins the efficiency of public transport services by sustainable settlement patterns, including higher densities. The guidelines state that minimum net densities of 50 dwellings per hectare, subject to appropriate design and amenity standards, should be applied within public transport corridors, ie within 500 metres walking distance of a bus stop, or within 1km of a light rail stop or a rail station.

Policy at national, regional and local level seeks to encourage higher densities in key locations. It is Government and regional policy to increase compact growth within specified areas and increase residential density. The RSES requires that all future development within the metropolitan area be planned in a manner that facilitates sustainable transport patterns and is focused on increasing modal share of active and public transport modes. The MASP identifies strategic residential and employment corridors along key public transport corridors existing and planned. The Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009), Sustainable Urban Housing: Design Standards for New Apartments (2020) and the Urban Development and Building Heights Guidelines (2018) provide for increased residential density along public transport corridors. The Sustainable Residential Development in Urban Areas Guidelines in particular support consolidated higher density developments within existing or planned public transport corridors (within 500m walking distance of a bus stop and 1km of a light rail stop/station), where higher densities with minimum net densities of 50 dwellings per hectare are supported, subject to appropriate design and amenity standards, in order to maximise the return on public transport investment.

Objectives 4, 13, 33 and 35 of the National Planning Framework, RPO10, RPO34 and RPO35 of the Regional Spatial and Economic Strategy 2019-2031 and SPPR1 and SSPR2 of the Urban Development and Building Heights Guidelines, all support higher density developments in appropriate locations, to avoid the trend towards predominantly low-density commuter-driven developments.

The applicant has argued that the site is well serviced and is located along Bus Connects Corridor therefore suitable for higher densities. This is disputed by observers who have queried the capacity of the existing bus services and consider the development premature pending the completion and provision of BusConnects.

A number of bus services operate along the Swords Road providing access to the city centre to the south and north to the airport and Swords / Balbriggan. One route runs east - west along Santry Avenue / Coolock Lane. These services operate at relatively high frequency during peak hours as documented in the application. Proposals under Bus Connects will improve infrastructure and bus frequency along both adjoining roads and also provide for improved pedestrian and cycle facilities. Bus Connects provides for two new spine route services along the Swords Road, A2 terminating at the airport and A4 serving Swords. I note that planning applications in respect of the Core Bus Corridors commenced being lodged with An Bord Pleanála in lodged in Q4 2022. The development does not obstruct or interfere with the draft design proposals in this regard. The closest stations proposed as part of the Metrolink rail project would be approx. 1.6km west of the site at Northwood and Ballymun, however, there is no timeline for delivery of this project at this time.

Having regard to the foregoing, the site is in my opinion a 'Central and/or Accessible Urban Location' as defined under Section 2.4 of the Apartment Guidelines 2020 and is a suitable location for higher density residential development. I am satisfied that the site is well placed to accommodate high density residential development given its proximity to high capacity public transport of the Luas, within walking distance of significant employment and within short commute (walking, cycling, Luas, bus) of a range of employment options, and within walking distance of a range of services and amenities. I am of the opinion that the delivery of residential development on this prime, underutilised, serviced site, in a compact form comprising higher density units would be consistent with policies and intended outcomes of current Government policy, specifically the NPF, which looks to secure more compact and sustainable urban development with at least half of new homes within Ireland's cities to be provided within the existing urban envelope (Objective 3b). In terms of local policy, Dublin City Development Plan states the council will promote sustainable residential densities in accordance with the Guidelines on Sustainable Residential Development in Urban Areas (as considered above). The overall acceptability of the proposed density (233uph) is subject to appropriate design and amenity standards, which are addressed in the relevant sections of this report.

Having considered the applicant's submission, observers submissions and those of the Planning Authority, as well as local, regional and national policy, the site is within the MASP, close to public transport and in line with s.28 guidance on residential density, I am satisfied that the proposed quantum and density of development is appropriate in this instance having regard to national policy, the relatively recent permissions in the vicinity, the area's changing context, the site's size and proximity to public transport and is not contrary to the provisions of the development plan in respect of density or quantum. The Planning Authority has not raised concerns relating to this matter.

#### **11.1.4 Unit Mix**

Permission was refused for a development broadly in line with the current one before the Board under ABP 310910-21 for the following reason:

*Section 16.10.1 of the Dublin City Development Plan 2016-2022, which relates to Mix of Residential Units, states that each apartment development shall contain a maximum of 25 to 30% one bedroom units and a minimum of 15% three or more bedroom units. Having regard to the range of dwelling units proposed within the development, it is considered that the proposed development would materially contravene this provision of the plan.*

*The statutory requirements relating to the submission of a material contravention statement have not been complied with by the applicant in respect of this matter. Accordingly, the Board is precluded from granting permission in circumstance where the application is in material contravention of the development plan and where the statutory requirements referred to above have not been complied with.*

A number of observer submissions received raised concerns that the proposed unit mix materially contravene the current Dublin City Development Plan. And that the unit mix would not facilitate in the creation of sustainable communities and would not be suitable for the accommodation of families. The planning authority has not raised concern in this regard and makes reference to the 2020 Apartment Guidelines.

I note that one-bed units comprise c.32% of the proposed residential mix with c.6% of the proposal being three-bed units. Section 16.10.1 of the Dublin City Development Plan, Mix of Residential Units, states that each apartment development of 15 units or more shall contain:

- A maximum of 25-30% one-bedroom units.
- A minimum of 15% three- or more bedroom units.

The 32% figure for one bed apartments is marginally above 25%-30% standard for one-bed units, as set out in current operative City Development Plan. Furthermore, I refer the Board to the percentage of proposed three-bed units. The standard set out in the operative City Development Plan seeks 15% three-bed units in any such development, the current proposal includes 6%.

The applicants have addressed this matter within the submitted Material Contravention Statement. I note the proposed unit mix diverges from the standard set out in operative City Development Plan. I also note the planning history of the site and the conclusion reached under ABP 310910-21 as set out above. However, I do not consider the deviation to be such as to constitute a material contravention of the Plan. I highlight to the Board that this divergence with a standard of the operative City Development Plan, not a policy of this Plan. I have examined the provisions of section 16.10.1 of the operative City Plan and consider these to be standards. I note Policy QH1 of the operative City Development Plan which seeks 'to have regard to the DEHLG Guidelines on 'Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities' (2007), 'Delivering Homes Sustaining Communities – Statement on Housing Policy' (2007), 'Sustainable Urban Housing: Design Standards for New Apartments' (2015) and 'Sustainable Residential Development in Urban Areas' and the accompanying 'Urban Design Manual: A Best Practice Guide' (2009)'. This policy seeks to have regard to these aforementioned guidelines.

Furthermore, since the adoption of the Dublin City Development Plan 2016-2022, the Sustainable Urban Housing: Design Standards for New Apartments have been updated (December 2020). I note that the planning authority in their Chief Executive Report continually refer to the updated 2020 guidelines.

In my opinion the proposed development will contribute to the diversification of housing typology in the area and would in my opinion improve the extent to which it meets the various housing needs of the community. I, therefore, consider it reasonable to apply the updated section 28 guidance in this regard, in particular SPPR 1 which sets out that developments can include up to 50% studio/1 bedroom type units and there should be no minimum requirement for apartments with 3 or more bedrooms.

The Urban Design Manual, in particular Criteria 03 and 04, 'Inclusivity' and 'Variety', are noted. This puts forward the idea that in larger developments, the overall mix should be selected to create a mixed neighbourhood that can support a variety of people through all stage of their lives. Presently, the wider area could be described as a mixed neighbourhood and I am of the opinion that the proposed development will contribute positively to that. I also fully acknowledge changing household sizes and note that the NPF states that seven out of ten households in the State consist of three people or less and this figure is expected to decline to approximately 2.5 persons per household by 2040.

Having regard to all of the above, I consider that the proposed unit mix is acceptable in this instance given the locational context of the site, the established nature of the area where larger properties predominate, together with national guidance in this regard. I fully acknowledge changing household sizes. As stated in the National Planning Framework, seven out of ten households in the State consist of three people or less and this figure is expected to decline to approximately 2.5 persons per household by 2040. The proposed development in terms of unit mix would add greatly to the availability of studio and one bedroom apartments in an area of the city which while undergoing transition is still predominantly characterised by conventional housing stock comprised of traditional houses.

I have no information before me to believe that the mix of units would lead to the creation of a transient or unsustainable community.

A Material Contravention statement regarding unit mix contained in the Dublin City Development Plan 2016-2022 was submitted. While the unit mix may exceed a standard in the operative City Development Plan, I do not consider that this constitutes a material contravention of the Plan. The proposal broadly complies with section 16.10.1 of the Plan and meets the standards of the aforementioned Sustainable Urban Housing: Design Standards for New Apartments (2020). Having regard to the foregoing I consider the proposed unit mix acceptable.

## **11.2 Design Strategy**

### **11.2.1 Demolition of existing structures**

DCC conservation officer recommended refusal due to the demolition of the existing buildings on site.

Chadwicks in their submission also objected to the demolition, not on architectural conservation grounds but due to their inability to find an alternative premises.

The planning authority noted the siting of the structures on site and stated that notwithstanding the attractive nature of the building and the submission from Chadwicks, it does not constitute an efficient use of serviced zoned land in a built up area, having a low site coverage and a low plot ratio.

The existing structure on site was built c.1950s is a good example of modernist 20<sup>th</sup> century light industrial architecture. I note it is not on the register of protected structure in the Dublin City Development Plan 2016-2022 nor included in the recently adopted 2022 Plan. It is not included in the National Inventory of Architectural Heritage (NIAH). While I agree that the structure is attractive and an example of modernist 20<sup>th</sup> century light industrial architecture, I have no objection to its demolition. The retention of the structure on site and would reduce the ability of the site to be development in an effective and sustainable manner given its siting within the site.

The planning authority recommended that the submitted Architectural Heritage Impact Assessment be submitted to the Irish Architecture Archive to ensure there is a record of the former Heaton Buckley building. I consider this acceptable and recommend that a condition be attached that a record be submitted to the planning authority.

I note the concerns raised by the existing tenants of the building relating to the lack of alternative premises deemed suitable by the observer for their business and the impact this will have on their ability to operate. This matter is subjective to a point when considering what constitutes suitable alternative location and their availability and is beyond the scope of this report.

### **11.2.2 Height**

The proposed development comprises 7 blocks (A, B, C, D, E, F & G) arranged in 4 no. buildings (A/B, C/D, E/F & G). The applicant has set out that in their documentation the height strategy for the proposed development and how it is distributed throughout the site. The current proposal has apartment buildings that range in height from 7 to 14 storeys (Block A 14 storeys (c.48.3m) is located on the north eastern corner of the site addressing Santry Avenue and Swords Road, Block B (7 storeys (c.24.6m)) is sited parallel to eastern boundary with Swords Road. Block C ( 7 storeys (c.22.9m - 26.4m including lift overruns)) and Block D which is 10 storeys (c.32.6m) are located centrally within the development and face communal amenity space to the east and public amenity space to the west. Block E (10 storeys (c.32.6m)) and Block F which is 7 storeys (c.22.9m - 26.4m including lift overruns) are located to the west of Block C/D and face the public amenity space to the east and communal open space to the west while also addressing the internal access road along its western façade. Block G (7 storeys (c.22.9m)) is located on the southwestern corner on the site and addresses two internal access road addressing and site boundaries. An access road the runs between Santry Place (development to the south) and the current proposal is flanked by the gables of Block G, Block C and Block B and served both developments.

Third parties and elected representatives have raised concerns in relation to suitability of the height, scale and massing of the development relative to the existing built environment . It is contended that the submitted height does not respect the existing built environment.

Observer submissions also raise concerns with regards the impacts of the proposal on the visual amenity of the area and that it is out of character with the existing built environment. These concerns are interlinked with concerns regarding height, scale and massing of the proposal. There is a general consensus amongst third party observers that the proposal would negatively impact on the visual amenity of the area.

The planning authority noted that the emerging character of Santry village/Swords Road is 7 storeys with 12 storeys permitted on the Omni site. And considered the 14 storey height of block A excessive and fails to integrate into its immediate environs. The planning authority also raised concerns with regard to the 10 storey high blocks (D and E) as they present along Santry Avenue and would dominate and having an overbearing impact on the public domain and significantly increase overshadowing impacts on the immediate environs. The lack of setback of upper floors in Block A, D and E was also raised as a concerns. The planning authority considered that a reduced height for Blocks A, D and E would address its concerns and recommended that a condition be attached to any grant of permission requiring that Block A is reduced from 14 to 10 storeys (maximum height of 35m with top floor setback) and Blocks D and E reduced from 10 storeys to 7 (maximum height of 23m with top floor setback).

I do not concur with the planning authority recommendation that the height of Blocks A, D and E be reduced. I note the 12 storeys was permitted on the Omi site to the south and I also concur with the view held under ABP 310910-21 that the recommended reduction in the height of Block A would provide an unsatisfactory design solution, resulting in a block which will neither function as a marker for the corner nor integrate with its surroundings satisfactorily. With regard to Blocks D and E, having regard to the alignment of the blocks and relative slenderness on their northern elevations, I do not consider that they would result in undue negative impacts on the visual amenities of Santry Avenue or the wider area. A reduction to 7 storeys would provide a consistent height across this site and the adjoining development to the south but would lack variety and visual interest. On balance, when viewed from the adjoining public realm on Santry Avenue, the recommended reductions would not result in a material change to how the development is seen or experienced or that they would result in any improvement to the design. This view was held under ABP 310910-21 and I do not consider that circumstances have changed to deviate from this stance.

The height and distribution of the development's block massing ensures that it delivers a progressive proposition, providing a respectful transition in height that does not impose upon or overbear adjacent apartments to the south or detract from the development potential of lands to the west. I note that the approach to height has been to place the lower buildings in locations which are most sensitive (i.e. closer lands which have been the subject of recent development or may be in the future) as shown by the heights along in the southern portion facing Santry Place apartments broadly mirror in height this development. and to place the higher buildings in areas which have a greater absorption capacity for scale and height such as along public roads and in particular at the corner of Santry Avenue and Swords Road.

Section 16.7 of the Dublin City Development Plan 2016-2022 has regard to 'Building Height in a Sustainable City'. The Development Plan defines Dublin City as 'low-rise', with the exception of those areas specifically designated as 'mid-rise' or 'high-rise'. The application site falls within the 'low-rise' area. Table 2.0 sets out heights for 'low-rise' in the outer city the maximum height of commercial/residential is 16 metres.

Having regard to the adjoining land uses to the west and the nature and width of the adjoining roads and junction, I consider that the site has capacity to accommodate increased height. Recently completed development to the south and southeast has heights of to six and seven storeys, which is an increase from the traditional low-rise nature of development in the surrounding area. The proposed development continues these heights, then increasing to ten and fourteen storeys along the northern boundary.

A Material Contravention Statement is submitted with the application in which the applicant seeks to justify the material contravention of the provisions of the Dublin City Council Development Plan 2016-2022 in respect of building heights. I address this in section 11.13.

The Urban Development and Building Height Guidelines provide clear criteria to be applied when assessing applications for increased height. The Guidelines describe the need to move away from blanket height restrictions and that within appropriate locations, increased height will be acceptable even where established heights in the area are lower in comparison. Having regard to the Urban Development and Building Heights Guidelines, 2018, I note that specific assessments were undertaken including CGIs and daylight/sunlight analysis. Applying section 3.2 of the Building Height Guidelines I consider the following:

At the scale of relevant city/town, the proposal will make a positive contribution to place-making introducing new street frontage and utilises height to achieve the required densities. I consider there to be sufficient variety in scale and massing to respond to the scale of adjoining developments. I consider the proposed quantum of residential development, residential density and tenure type acceptable in the context of the location of the site in an area that is undergoing redevelopment, is an area in transition proximate centres of employment and public transport.

At the scale of district/neighbourhood/street, The proposed development would not interfere with significant views in the locality. The site is not located within an Architectural Conservation Area and there are no protected structures onsite or within the immediate vicinity that are affected by the proposal. I say this in the knowledge of St... Church and its location vis a vis the site. Overall I consider that the proposal responds satisfactorily to its built environment makes a positive contribution to the urban neighbourhood at this location. I am of the opinion that the proposal can be accommodated on this site without detriment to the visual amenities of the area given the transitioning built environment in the immediate vicinity. The use of material and finishes to the elevations assists in breaking down the overall mass and scale of the proposed development. CGIs of the proposed development have been submitted with the application and have assisted in my assessment of the proposal. Overall, I consider the height appropriate for this location. I acknowledge that development of the site would bring into use a zoned serviced site that is underutilised at present at this prime location. I consider the current proposal is an appropriate solution for this site.

At the scale of the site/building: The proposal includes new public realm, active frontages and fenestration that will passively survey the public roads and pedestrian linkages to adjoining lands are indicated and would contribute to the legibility of the area. The addition of apartments will contribute to the unit mix at the location. Residential Amenities are addressed in section 11.3 and 11.4 Sunlight and daylight consideration are addressed in section 11.3.3 and 11.4.4. Flood Risk Assessment has been carried out and this is addressed in section 11.6.

Having regard to the considerations above, I consider that the proposal in principle for 7 to 14 storey buildings at this location is acceptable in terms of height. I consider the height proposed to be in keeping with national policy in this regard. I note the policies and objectives within Housing for All – A New Housing Plan for Ireland and the National Planning Framework – Ireland 2040 which fully support and reinforce the need for urban infill residential development such as that proposed on sites in close proximity to quality public transport routes and within existing urban areas. I consider this to be one such site. The NPF also signals a shift in Government policy towards securing more compact and sustainable urban development and recognises that a more compact urban form, facilitated through well designed higher density development is required. I am also cognisant of the Urban Development and Building Heights, Guidelines for Planning Authorities (2018) which sets out the requirements for considering increased building height in various locations but principally, inter alia, in urban and city centre locations and suburban and wider town locations. Overall, I am of the view that having regard local and national guidance, the context of the site in an accessible location which is undergoing significant redevelopment, the proposed height is acceptable in principle subject to further assessment pertaining to impact on the receiving environment.

I draw the attention of the Board to the fact that the applicant considers the proposal to represent a material contravention in relation to height and has, in my opinion, adequately addressed the matter within the submitted Material Contravention Statement. The planning authority also considers the proposal to present a material contravention of the operative County Development Plan in relation to height. I too consider that the proposal represents a material contravention in relation to height. I address material contravention in section 11.13 of this report. Having regard to all of the above, I am satisfied in this instance that the applicant has complied with the requirements of section 3.2 of the Building Height Guidelines to justify that the Board grant of permission in this instance and invoke section 37(2)(b) of the of the Planning and Development Act 2000, as amended.

### **11.2.2 Scale & Massing:**

A reoccurring theme raised in the observer submissions and by Elected Representative highlights concerns that the proposed development is overbearing and would have a significant adverse impact of the visual amenities of the area. I have inspected the site and surrounding area and I agree with observers that the blocks will be visible to residents in the wider vicinity. The closest residential properties are located in Santry Place to the south (6-7 storey apartment development), to the north and east the site is bounded by public roads and to the west by Santry Avenue Industrial Estate.

The issues of height, form, bulk of the proposal are inter-related and in effect relate to the overall scale and massing of a proposal. It is the sum of all these parts that, amongst other assessments, determines the appropriateness or otherwise of the development before the Board. I am generally satisfied that the application site can accommodate the proposed height, scale and massing of the blocks. Overall I do not consider that the cumulative impact of the blocks, their arrangement on site, scale and massing combine to create an incongruous development that is overbearing and visually dominant when viewed from the closest adjoining residential properties (Santry Place) or residential properties (estates) in the wider area, see section 11.4.2).

I consider that the proposal is in compliance with Criteria 1 'Context' of the Urban Design Manual. I also consider that having regard to the Urban Development and Building Height Guidelines, 2018, at the scale of the site/building, the form, massing and scale of the proposed development is carefully modulated in this instance.

I consider that the applicants have had regard to improving the public realm, streetscape and connectivity of the area I consider that appropriate transitions in scale and massing, coupled with the proximity to the site boundaries, have been put forward in the design. There is no doubt any development of this site will bring a change to the character and context of the area, I am of the view that this will be a positive change. I consider the proposal to be in compliance Policy SC25 of the Dublin City Development Plan which seeks to promote development which incorporates exemplary standards of high-quality, sustainable and inclusive urban design, urban form and architecture befitting the city's environment and heritage and its diverse range of locally distinctive neighbourhoods, such that they positively contribute to the city's built and natural environments

Concerns were raised that the proposed development would have a negative impact on the character and setting of St. Pappan's Church (protected structure). The CE Report noted no objection on these grounds. I refer the Board to section 11.2.1 and 11.12 where I address issues raised by the DCC Conservation Officer.

I have reviewed the submitted verified views, CGIs and all other drawings and documents and note that it is inevitable that any higher density development at this site is likely to contrast with surrounding development. The wider visual impacts in my opinion will not detract from the nearby protected structures or recoded monuments.

### **11.2.3 Design, Materials and Finishes**

Section 16.2.1 of the current City Development Plan addresses 'Design Principles', seeks to ensure that development responds to the established character of an area, including building lines and the public realm.

The applicants have set out their vision for the site which is a) to forge a new connection between Santry Village and Santry Demesne, b) create a gateway building which announce the entrance to the city and c/ create a park-side Neighbourhood Centre with a strong sense of place and community. I note the applicant's vision and I also note the site is not earmarked for a gateway building, therefore I shall not be referring to this in my assessment. In my view the proposed development is not a gateway, rather it forms a prominent corner within an urban landscape

A contemporary intervention in an area traditionally characterised by two storey houses but which has undergone significant redevelopment in recent years, the immediate surrounds have been redeveloped with Santry Place, SHD at the former Swiss Cottage Site and at the Omni site with a concurrent application for another SHD with An Bord Pleanála at present. The proposed design seeks to introduce a new element to this disused site at a prominent location. The applicant has submitted that the area is one in transition and therefore can accommodate different designs and styles when seeking to introduce new elements to the built environment.

A booklet of Verified Views and CGIs prepared by suitably qualified practitioners, as well as contextual elevations and sections accompanied the application, which illustrate the proposed development within its current context. An Architectural Design Statement submitted with the application sets out that the proposed material and finishes includes the use of selected brick, selected metal/composite cladding. The planning authority has raised concerns regarding the extent of metal /composite cladding proposed on the northern elevations of Block A, D and E facing Santry Avenue. Revised elevational treatment could be required by condition if the Board consider it appropriate. Overall I consider the proposed materials to be of good quality and provide a satisfactory contrast with the Santry Place development to the south.

Observer submissions raised concerns with regard to the capacity of fire / emergency services to deal with events in taller structures in the city. I note that the Dublin Fire Brigade comprises part of the Dublin City Council and that the Chief Executive's report has not raised concerns in this regard. Fire safety certification and compliance with building regulation requirements are otherwise outside the scope of this report.

The Apartment Guidelines require the preparation of a Building Lifecycle Report regarding the long-term management and maintenance of apartments. Such a report has been supplied with the planning application.

#### **11.2.4 Layout & Open Space**

The proposed development comprises 7 no blocks arranged in 4 no. buildings with a north-south orientation parallel to the Swords Road. Block A/B primarily address Swords Road, with a total of 3 no. commercial units and medical suite at ground floor/street level on the ground floor of these blocks. The northern/narrow end of Blocks A, D and E address Santry Avenue, as does a single storey residential amenity block with commercial spaces in Block A and D and a community space in Block E. Block G (completely residential) is located on the south western corner of the site. Open space is distributed between the proposed blocks as well as streetscape proposals. Public open space is located through the centre of the scheme and provides a public route towards Santry Park. The planning authority is generally satisfied with the layout and orientation of the blocks.

Section 16.10.3 of the current Development Plan states that 'the design and quality of public open space is particularly important in higher density areas'.

The report from the Parks, Biodiversity and Landscape Services to the Chief Executive concluded that the proposed distribution of open space and the overall landscaping scheme is acceptable.

I note that Block G address an internal access road, and while not ideal when viewed in isolation, when taken into account the changing context of adjoining lands and their development this is acceptable. Overall I consider the layout of blocks, set back from site boundaries and distribution of open space within the development satisfactory. Linkages are provided to adjoining developments and amenity spaces in Santry Place along with an active frontage to both the Swords Road and Santry Avenue and quality and well-lit open space.

I address provision and quality of communal and private open space in section 11.3 below.

## **11.3 Residential Standards for future occupier**

### **10.3.1 Standard of Accommodation**

The development is for apartments as such the Sustainable Housing: Design Standards for New Apartments 2020 has a bearing on the design and minimum floor areas associated with the apartments. In this context the Guidelines set out Special Planning Policy Requirements (SPPRs) that must be complied with where relevant.

As stated in section 11.1.4 the mix of units complies with SPPR 1 of the Guidelines.

It is stated that 53% of the units are designed to be dual aspect, SPPR 4 requires that a minimum of 50% dual aspect apartments are required in urban areas. But this may be reduced to a minimum of 33% in certain circumstance where it is necessary to ensure good street frontage and subject to high quality design, usually on inner urban sites, near city or town centres. Given the context and location of the site, I am satisfied that percentage of dual aspect which exceeds 50% is acceptable and exceeds the minimum requirement. I also note that single-aspect units are generally east or west facing and no north-facing single aspect units are identified.

A schedule of compliance with the Apartment Guidelines accompanied the application confirming required apartment sizes, which I note and consider reasonable. I note issues raised by the planning authority with regard to storage and balconies. I am of the view that the shortfall is de minimum and the matter can be addressed by condition if the Board consider it appropriate

The proposed apartments have been designed to comply with the 2020 Sustainable Urban House: Design Standards for New Apartments.

Private amenity spaces are provided in the form of balconies. The planning authority raised concerns regarding the lack of buffering. I concur and am of the view that additional screening/buffer is required at ground floor level to assist in screening private amenity spaces and enhance their amenity value for future occupiers, again this matter can be addressed by condition if the Board considers it appropriate.

Communal open space is provided between blocks A/B and C/D, and between E/F and G and at roof level. The design and layout of provision is regarded as satisfactory. I note the comments of the planning authority with regard to the areas of communal open space at roof level cited by the applicants, however, on review I consider that the applicants figures appear to be correct. In addition to such external communal open space, the development provides a residential amenity facility of c. 187-sq.m., between Block A and D, fronting onto Santry Avenue. This is a positive aspect of the development and supplements communal open space provision. There is some variation in levels across the site and while commercial / public access units are generally at or close to grade, the development incorporates the difference in levels to provide some landscaped separation between Santry Avenue and this residential amenity unit, which is considered to be a successful design approach.

Access to the basement car park is via the internal access road that also serves Santry Place and is via Block B. Given the location of Block B there is potential for conflict between cars/cyclist and pedestrians. In order to access parking at Block B I note that cyclist will use the shared access lane/surface to access the allocated parking and there is potential conflict between cyclists and pedestrians but this can be managed in an appropriate manner. I address the issue of daylight/sunlight for amenity spaces in section 11.3.3 of this report.

The proposed height of the blocks (7-14-storeys/max.c.48.3m) is lower than the definition of high-rise in the city development plan. Third parties made references to the impact of high-rise development on air quality, and the referenced academic articles. Having regard to the scale of development proposed and the surrounding pattern of development, including low-rise development and regional park (Santry Demesne), I have no evidence before me that the climatic conditions described in this report would arise in this instance, furthermore I note that third parties have not submitted report relating to this.

Observers submissions also raised concerns with regard to existing ambient air quality in this area having regard to its proximity to the port tunnel / M50. The Chief Executives report, and the report of the DCC Air Quality Monitoring and Noise Unit, do not raise concerns in respect of the proposed development in this regard.

Observers also raised concerns regarding fumes from planes and potential negative impact. I have no evidence before me to support this assertion and note the proposed height of the structures.

The impact of the proposed development on air quality is considered in the EIAR and the contribution to traffic volumes in the surrounding area and level of emissions generated, is not considered to be significant. In addition, the consolidation of development in existing built-up areas offers greater scope for more sustainable transport solutions and longer-term improvements in terms of emissions / air quality. I do not consider therefore that the proposed development will have significant negative impacts on air quality in this area

### **11.3.2 Overlooking**

Neither third parties nor the planning authority has raised concerns in this regard.

I am of the view that for the most part the proposed layout provides for adequate separation distance between opposing balconies and habitable rooms within the scheme. However I do recognise that there are pinch points where separation distances may not be optimal. however I am of the view that given the limited instances where this arises that this matter can be addressed by appropriate screening and mitigation measures, such as vertical louvre/angles fins etc to balconies and windows, which are commonly used in urban areas to address potential overlooking while also protecting the amenity value of the balconies and rooms they serve. The applicant has provided for same in the design submitted which I consider acceptable.

### **11.3.3 Access to daylight/sunlight/overshadowing**

Section 3.2 of the Urban Development and Building Height Guidelines (2018) states 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 'Site Layout Planning for Daylight and Sunlight' (2nd edition) or BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'. Where a proposal may not be able to fully meet all the requirements of the daylight provisions above, this must be clearly identified and a rationale for any alternative, compensatory design solutions must be set out, in respect of which the planning authority or An Bord Pleanála should apply their discretion, having regard to local factors including specific site constraints and the balancing of that assessment against the desirability of achieving wider planning objectives. Such objectives might include securing comprehensive urban regeneration and / or an effective urban design and streetscape solution. The Sustainable Urban Housing Design Standards for New Apartments Guidelines, 2020 also state that planning authorities should have regard to these BRE or BS standards.

The Daylight & Shadow Assessment submitted with the application considers inter alia potential daylight provision within the proposed scheme and overshadowing within the scheme. This assessment is read in conjunction with the BS 2008 Code of Practice for Daylighting and the BRE 209 site layout planning for daylight and sunlight (2011). While I note and acknowledge the publication of the updated British Standard (BS EN 17037:2018 'Daylight in buildings'), which replaced the 2008 BS in May 2019 (in the UK), I am satisfied that this document/updated guidance does not have a material bearing on the outcome of the assessment and that the relevant guidance documents remain those referenced in the Urban Development & Building Heights Guidelines and the Apartment Guidelines. I am satisfied that the target ADF for the new residential units are acceptable and general compliance with these targets/standards would ensure adequate residential amenity for future residents.

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

The applicant's assessment includes an analysis of the proposed apartments with regard to amenity (daylight) available to future residents within the proposed scheme. The study concluded that 90% of the rooms studied achieve the minimum ADF targets set out in the BRE guidance.

The applicant has submitted that average ADFs for tested living rooms is 3.2% and for bedrooms is 2.5%. The applicant has stated that 7 of the 12 units that do not comply with BRE targets are not marginal in their shortfall.

First floor Block A/B. 32 openings were assessed. 3 fail to meet BRE targets: Living Kitchen (room 9 has value of 1.7), Living/Kitchen (room 21 has value 1.6) and Living/kitchen (room 28 has a value of 1.7). Therefore based on 2% for K/L/D and 1 % for bedrooms. 91% of rooms meet the BRE targets. If the relaxed figure of 1.5% is used for K/L/D then there is 100%.

First floor Block C/D. 38 openings were assessed. 5 fail to meet BRE targets of which 4 are considered by the applicant to be marginal: Living Kitchen (room 4 has value of 1.8), Living/Kitchen (room 21 has value 1.7), bedroom (room 24 has a value of 0.9) and living/kitchen (room 31 has a value of 1.9). Therefore based on 2% for K/L/D and 1 % for bedrooms 87% of rooms meet the BRE targets. If the relaxed figure of 1.5% is used for K/L/D then there is 97%.

First floor Block E/F. 42 openings were assessed. 4 fail to meet BRE targets of which 3 are considered by the applicant to be marginal: Living Kitchen (room 6 has value of 1.5), Living/Kitchen (room 15 has value 1.8), bedroom (room 16 has a value of 0.9) and living/kitchen (room 18 has a value of 1.8). Therefore based on 2% for K/L/D and 1 % for bedrooms 90% of rooms meet the BRE targets. If the relaxed figure of 1.5% is used for K/L/D then there is 98%.

First floor Block G. 12 openings were assessed. Based on 2% for K/L/D and 1 % for bedrooms 100% of rooms meet the BRE targets. If the relaxed figure of 1.5% is used for K/L/D then there is also 100%.

Of the 124 rooms assessed 90% achieved targets of 2% (K/L/D) and 1% for bedroom. 98% achieved targets of 2% (K/L/D) and 1% for bedroom.

While the BS 8206-2:2008 indicates that where one room serves more than one purpose, the minimum ADF should be that for the room type with the highest ADF value, in this instance the kitchen area forms part of the living/dining area. I consider it reasonable to hold that the primary function of living/kitchen/dining (LKD) open plan room in an apartment such as those proposed, is as a dining/living room function and thus, it is reasonable to apply an ADF of 1.5%. The BRE guidance states, inter alia, that “non-daylight kitchens should be avoided wherever possible, especially if the kitchen is used as a dining area too. If the layout means that a small internal galley-type kitchen is inevitable, it should be directly linked to a well daylight living room’. In this instance the kitchens are daylight, they are not intended as a dining area and the kitchen is directly linked to a well daylight living/dining room, thus it does not conflict with the BRE guidance in this regard. Where the primary use of a living/kitchen in apartments is living area in which case it may be reasonable to apply 1.5%. I am of the opinion that the proposed development broadly complies with the BRE guidance and will provide an appropriate standard of residential amenity regarding access to daylight. I consider acceptable given the use of these rooms and the provision of housing on serviced lands in an area undergoing significant redevelopment.

The planning authority raised no concerns in relation to ADF values for the proposed development.

Having regard to the forgoing and that the analysis considered points which relates to habitable rooms across the first floor of all the blocks within the proposed development across the blocks. I am satisfied the overall level of residential amenity is acceptable, having regard to internal daylight provision.

In addition to daylight within the units, the proposed development is also required to meet minimum levels of sunlight within amenity spaces. Section 3.3 of the BRE guidelines state that good site layout planning for daylight and sunlight should not limit itself to providing good natural lighting inside buildings. Sunlight in the spaces between buildings has an important impact on the overall appearance and ambience of a development. It is recommended that at least half of the amenity areas should receive at least 2 hours of sunlight on 21st March.

To this end, an analysis of the sunlight exposure levels for the amenity areas in the proposed scheme was carried out and submitted. The analysis indicated that in total 7 no. spaces had been assessed, of which all meet the targets as set out in the BRE Guidelines.

The planning authority have not raised concerns and the DCC Parks, Landscape & Biodiversity Section noted all area achieve adequate levels of sunlight.

Having regard to the foregoing I consider that adequate allowance has been made in the proposed design for access to sunlight through adequate separation between the blocks and their configuration on site relevant to the scale of the development. I am satisfied that adequate levels of amenity space will meet sunlight standards. I have also carried out my own assessment in accordance with the considerations outlined in the BRE guidelines and I consider the development to be in accordance with the BRE guidelines.

#### **10.3.4 Wind/Microclimate**

The applicant carried out wind and microclimate modelling for the proposed development. The assessment noted that the potential receptors for the wind assessment are all pedestrian circulation routes, building entrances and leisure open areas within the site and in neighbouring adjacent areas.

The submitted assessment sets out that the public open space is designed as a sequence of spaces: a large central lawn area accommodates active and passive recreation while smaller sub-spaces enclosed by vegetation and tree planting result in a garden-like environment. A strong sense of enclosure permeates throughout, creating a comfortable, secure setting for residents and visitors. The main circulation meanders through the various landscape typologies creating an attractive car-free alternative to the footpath along Swords Road. A small plaza space with a café and outdoor seating area is located to the north, acting as a fulcrum for intersecting pedestrian circulation coming from Santry Park and the wider area. Pedestrian routes and open spaces have been deliberately divorced from vehicular traffic, in order to maximise human interaction with open space rather than road-scape. Communal open space for the proposed apartments is located between the building blocks (ground level) and on the roof terraces (roof level). Tall hedges, screens and dense tree planting in key areas provide a sense of enclosure and serve as wind breaks without interrupting the spatial flow of the terraces and creating favourable microclimate suitable for long-term and short-term recreation.

The study concluded that as construction of the Chadwicks Development progresses, the wind conditions at the site would gradually adjust to those of the completed development. During the construction phase, predicted impacts are classified as negligible.

During operational phase the study concluded that wind flow speeds (pedestrian) are shown to be within tenable conditions. Some higher velocity indicating minor funnelling effects are found near the South-West side of the development. It is proposed that both areas were mitigated with landscaping and the flow velocities shown in the Lawson map indicate that the areas can be utilised for the intended use. The report submitted concluded that the wind speeds do not attain critical levels around the development. The courtyard between Block A and B is well protected, and it compromises the pedestrian comfort, according to the Lawson Criteria.

The applicant's analysis of wind speeds (terraces) show that the areas are well protected by a combination of glazed screen. On the roof terrace on Block D, there are small areas suitable for short term sitting instead of long term sitting. However, this analysis has been performed considering the worst case scenario conditions, considering the whole year.

The applicant's assessment set out that the following conclusions can be made observing the results of the wind microclimate analysis and comparing the results obtained, under the same wind conditions for the baseline scenario versus the proposed development scenario. The assessment of the proposed scenario concluded that no area is unsafe, and no conditions of distress are created by the proposed development.

- All the roads proposed can be used for their intended scope (walking).
- The proposed communal and open public areas can be used for long-term sitting/short term-sitting.
- The wind microclimate of the proposed development is comfortable and usable for pedestrians of all categories.
- The proposed development does not impact or give rise to negative or critical wind speed profiles at the nearby adjacent roads, or nearby buildings. Moreover, in terms of distress, no critical conditions were found for "Frail persons or cyclists" and for members of the "General Public" in the surrounding of the development.
- The proposed development does not impact or give rise to negative or critical wind speed profiles at the nearby adjacent roads, or nearby buildings.

The planning authority noted the assessment submitted is a retrospective one and no amendments put forward to address its less than favourable results.

I have examined the information submitted and I consider the findings robust and acceptable. I note that the roof terraces have mixed results at certain points. In this regard I note that this is not the only communal area of open space available to residential and are therefore not restricted to it use as their primary amenity space. Having regard to the foregoing I am of the view that overall the proposed development would not generate conditions that would cause critical conditions for vulnerable users of the areas. Given the proposed height and design of the block I am satisfied with that the proposed balconies would not generate undue conditions for users.

## **11.4 Potential Impact on adjoining properties/land**

### **11.4.1 Context**

Potential impacts on residential amenity relate to overbearance, overlooking and overshadowing, nuisance arising during construction/operational phases. Issues or potential impacts as a result of traffic or physical infrastructure are dealt with under separate specific headings dealing with these issues. Issues pertaining to social infrastructure are also dealt with under a separate heading. This section considers overbearance, overlooking and overshadowing/access to daylight/sunlight, impacts arising from construction and operational phases.

The application site is located within the outer-city and is currently used as a Builders Merchant in an area characterised traditionally by low-rise development which is the subject of significant redevelopment at present with 7 to 12 storey permitted in the vicinity, many of which are completed developments. It is an area in transition and any development that reflects its development potential and context is likely to result in a significant change for the surrounding properties.

The only residential development site that bounds the site at present is Santry Place to the south, a 6-7 storey apartments development. The closest low rise suburban style housing estates are located to the west, separated from the site by Santry Avenue Industrial Estate (Z6 lands). The site is bounded to the north by Santry Avenue and east by Swords Road.

#### **11.4.2 Overbearance**

A common theme throughout the submissions which are predominantly from local residents, is that the proposed development would be overbearing and have a detrimental impact on the visual amenities of the area.

The planning authority has not raised concerns regarding the overbearing impact of the proposed development on adjoining residential amenity.

Blocks B (7 storeys), C (7 storeys), F (7 storeys) and G (7 storeys) have sections that address the internal access road that serves Santry Place and is included within the application site boundaries as outlined in red. These are set back between 18.1m and c.23.1m from the units on the northern elevation of the Block A, B, C (community centre) and D in Santry Place which have heights of 6-7 storeys. Having regard to the setbacks I do not consider that the presence of balconies on the southern elevation of the blocks would negatively impact on the residential amenities of the occupiers of units in Santry Place.

To the west the proposed development is bounded by lands zoned Z6 (Santry Avenue Industrial Estate) and are currently occupied by non-residential uses. Setback from Block G range from c. 21.6 to c.28.4m and set back from Block E/F range from 13.2 to 28.3m. Having regard to the setbacks I do not consider that the presence of balconies on the western elevation of the block would negatively impact on the future development potential of the adjoining site to the west.

There is a concentration of taller elements towards public roads with gradual transitions in height towards other buildings within proximity of the site and adjoining uses. Contiguous elevations submitted illustrate the transition in building height across the site.

A key consideration is whether the height, scale and mass of development and the proximity to neighbouring properties is such that it would be visually overbearing where visible from the adjacent properties. (ie Santry Place in particular as the closest residential properties). I acknowledge that any development (regardless of scale and height) will have an visual impact on adjoining lands and when viewed from the wider area. I am of the view, given the orientation of the apartments in Santry Place and the relationship with the application site and the scale and massing proposed that the proposed development would not result in an overbearing and visually dominate development when viewed from the apartments facing the proposed development. The current proposal before the Board contributes to the narrative being created along Santry Avenue and Swords Road which is now characterised in the immediate vicinity by apartment development (both permitted and constructed ranging in heights from 7 to 12 storeys).

Having regard to the foregoing and I accept that a degree of visual change should be expected having regard to the constantly evolving and restructuring urban landscape and the development of contemporary development of this nature would not be unexpected in this area owing to its land use zoning. I also acknowledge that any development on the application site in line with its zoning objectives would be visible from adjoining properties. The crux of the matter is the level of impact on the adjoining residential properties in the wider area in terms of visual overbearance and whether this would detract from their residential amenities. I have inspected the site and its surrounds and having regard to the proposed design, scale and massing which I address in section 11.2.2 and 11.2.3. I consider the proposal before the Board is an appropriate design solution for this site and would not result in an overbearing development when viewed from the closest residential properties (apartments). When viewed from the closest traditional two storey houses. I do not consider that the development will have an overbearing impact having regard to the relationship of the site to these properties, the distance between them and intervening land uses.

#### **10.4.3 Overlooking**

I have outlined the setback from the closest sensitive receptors (ie residential properties in Santry Place) in section 11.4.2 above. Having regard to the setbacks I do not consider that the presence of balconies on the southern elevation of the blocks would negatively impact on the residential amenities of the occupiers of units in Santry Place.

To the west the proposed development is bounded by lands zoned Z6 and are currently occupied by warehousing/commercial uses. Having regard to the setbacks I do not consider that the presence of balconies on the western elevation of the block would negatively impact on the future development potential of the adjoining site to the west. I also wish to highlight to the Board that the lands to the west are zoned under land use objective Z6 and its stated land use objective.

I acknowledge that the additional screening measures can be used to address overlooking in constrained urban sites such as louvre (as proposed by the applicant) Given the restrictive nature of the site and the scale the development proposed there is no scope to increase setbacks from the southern boundaries by moving the blocks northwards. The current proposal before the Board would not have a detrimental impact on the development potential of adjoining lands to the west given the set back of the blocks to the site boundaries. Furthermore any potential development of these lands will need to be considered in the context of potential impacts on adjoining residential properties.

I am satisfied that the application site is sufficiently removed from the closest traditional housing estates/houses that I do not foresee undue impacts arising with regard to overlooking.

#### **11.4.4 Access to daylight/sunlight/overshadowing**

##### **11.4.4.1 Context**

In considering daylight and sunlight impacts, the Apartment Guidelines (2020) state that planning authorities 'should have regard to quantitative performance approaches outlined in guides like the BRE guide Site Layout Planning for Daylight and Sunlight (2nd edition) or BS 8206-2: 2008 – Lighting for Buildings – Part 2: Code of Practice for Daylighting' (Section 6.6 refers). The Building Height Guidelines (2018) state under Section 3.2 Development Management Criteria, that at the scale of the site/building, 'appropriate and reasonable regard should be taken of quantitative performance approaches to daylight provision outlined in guides like the Building Research Establishment's Site Layout Planning for Daylight and Sunlight (2nd edition) or BS 8206-2: 2008 – Lighting for Buildings – Part 2: Code of Practice for Daylighting'. I note the latter document British Standard (BS) 8206-2:2008 has since the publication of the guidelines been replaced by BS EN 17031:2018 'Daylight in Buildings', however, I am satisfied that it does not have a material bearing on the outcome of the assessment and that the relevant guidance documents remain those referenced in the Building Height Guidelines and the Apartment Guidelines.

Both the Building Heights and Apartment guidelines indicate that where an applicant / proposal 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, and thereafter the planning authorities / An Bord Pleanála should apply their discretion, having regard to local factors including site specific constraints and the balancing of that assessment against the desirability of achieving wider planning objectives. Such objectives might include securing comprehensive urban regeneration and or an effective urban design and streetscape solution. This is provided for within the BRE guidance document itself.

I have had appropriate and reasonable regard to these documents (and associated updates) in the assessment of this application. I note that the standards described in the BRE guidelines are discretionary and not mandatory policy/criteria, and the BRE guidelines state 'Although it gives numerical guidelines, these should be interpreted flexibly since natural lighting is only one of many factors in site layout design'.

The Building Height Guidelines also seeks compliance with the requirements of the BRE standards and associated British Standard (note that BS 8206-2:2008 is withdrawn and superseded by BS EN 17037:2018), and that where compliance with requirements is not met that this would be clearly articulated and justified. The Sustainable Urban Housing Design Standards for New Apartments Guidelines, 2020 also state that planning authorities should have regard to these BRE or BS standards.

The submitted Daylight and Shadow Assessment Report examines the development with regard to BRE guide 'Site Layout Planning for Daylight and Sunlight' (2nd edition) and BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'. This in accordance with the most relevant S.28 Ministerial Guidelines including Section 6.6 of the Sustainable Urban Housing Design Standards for New Apartments 2020, and Section 3.2 of the Urban Development and Building Heights Guidelines for Planning Authorities (2018). I am satisfied that there is adequate information in the submitted assessment to assess the impact of the proposed development.

I have considered the reports submitted by the applicant and have had regard to BRE 209 – Site Layout Planning for Daylight and Sunlight – A guide to good practice (2011) and BS 8206-2:2008 (British Standard Light for Buildings - Code of practice for daylighting). While I note and acknowledge the publication of the updated British Standard (BS EN 17037:2018 'Daylight in Buildings'), which replaced the 2008 BS in May 2019 (in the UK) I am satisfied that this document / updated guidance does not have a material bearing on the outcome of the assessment and that the relevant guidance documents remain those referred to in the Urban Development and Building Heights Guidelines and the Sustainable Urban Housing Design Standards for New Apartments Guidelines, 2020.

Some observers raised concerns regarding the potential impact of the proposed development on the residential amenities of adjoining properties.

The planning authority raised no concerns in relating to access to sunlight/daylight from any of the residential properties within the immediately vicinity of the application site.

#### **11.4.4.2 Daylight**

In designing a new development, it is important to safeguard the daylight to nearby buildings. BRE guidance given is intended for rooms in adjoining dwellings where daylight is required, including living rooms, kitchens and bedrooms. Tests that assist in assessing this potential impact, which follow one after the other if the one before is not met, are as noted in the BRE Guidelines:

- i. Is the separation Distance greater than three times the height of the new building above the centre of the main window (being measured); (ie. if 'no' test 2 required)
- ii. Does the new subtend an angle greater than 25° to the horizontal measured from the centre of the lowest window to a main living room (ie. if 'yes' test 3 required)
- iii. Is the Vertical Sky Component (VSC) <27% for any main window? (ie. if 'yes' test 4 required)
- iv. Is the VSC less than 0.8 the value of before ? (ie. if 'yes' test 5 required)
- v. In room, is area of working plan which can see the sky less than 0.8 the value of before ? (ie. if 'yes' daylighting is likely to be significantly affected)

The above noted tests/checklist are outlined in Figure 20 of the BRE Guidelines, and it should be noted that they are to be used as a general guide. The document states that all figures/targets are intended to aid designers in achieving maximum sunlight/daylight for future residents and to mitigate the worst of the potential impacts for existing residents. It is noted that there is likely to be instances where judgement and balance of considerations apply. Where the assessment has not provided an assessment of all sensitive receptors, I am satisfied that there is adequate information available on the file to enable me to carry out a robust assessment. To this end, I have used the Guidance documents referred to in the Ministerial Guidelines to assist me in identifying where potential issues/impacts may arise and to consider whether such potential impacts are reasonable, having regard to the need to provide new homes within zoned, serviced and accessible sites, as well as ensuring that the potential impact on existing residents is not significantly adverse and is mitigated in so far as is reasonable and practical.

The site is bounded to the north by Santry Avenue and on the opposite side is a commercial building located within a wooded area associated with Santry Demesne. To the east the site is bounded by Swords Road with retail and commercial uses located along the western (opposite) side of Swords Road. To the west are commercial/office./warehousing (Santry Avenue Industrial Estate). To the south is Santry Place mixed use development.

The BRE Guidelines refer to impacts on residential properties. In this instance the closest sensitive receptors are the apartments to the south in Santry Place. Given their located to the south of the proposed development it is not consider to cause an obstruction to daylight and no further assessment is required. The applicant's assessment concluded as the uses to the west, north and east are not residential no further assessment is required. The current proposal is referred to in the assessment as Phase 2 (Santry Place Phase 1) and in relation to VSC along the interface line is a mirrored development of the permitted and constructed Phase 1.

Observers have raised concerns regarding potential impact on residences in Santry Villas to the northeast. The applicant's assessment did not include these properties. This development is c.90m form the site at its closest point. Taking into account the distances from the proposed development to the closest house and the orientation of its windows I do not consider that the proposed development would have a detrimental impact on these properties in terms of access to daylight.

The applicant's assessment did not include the property on the northern site of Swords Road as it considered this to be commercial. It would appear that the former post office is in residential use and its inclusion in the assessment would have been beneficial. There may be some impact in this property in terms of access to daylight. However I acknowledge that any development of the application site beyond a low rise development may result in a development that potential could affect VSC levels. I am of the view given the context of this structure and its relationship with the application site the potential impacts are acceptable in order to bring into use a serviced accessible site that at present is significantly under utilised.

I have inspected the site and reviewed the submitted assessment and given the context of the site I am satisfied that the proposed layout has had regard to the adjoining sensitive receptors and has been designed to mitigate potential impacts with regard to access to daylight of existing residential properties bounding and adjacent to the site.

With regard to access to daylight I am satisfied that adequate regard has been had to the potential impact on adjoining lands and properties, when balanced against the need for housing on zoned and serviced lands.

The is bounded to the west by commercial/office/warehousing which forms part of the Z6 lands at this location. Any future development of these lands would need to consider the potential impact on the current proposal before the Board or any proposed development on the application site (if developed at the time).

#### **11.4.4.3 Overshadowing:**

The BRE guidance recommends that at least 50% of the amenity areas should receive a minimum of two hours sunlight on 21st March (spring equinox). Shadow Diagrams for 21<sup>st</sup> March are also include in the assessment of the proposed amenity spaces within the development. The closest adjoining private/communal and public open space are located to the south (Santry Place). Given its location to the south of the proposed development it is not considered to cause an obstruction to sunlight, and as such no further tests in respect of overshadowing is required.

The applicant's assessment has not considered the impact on lands to the west. An assessment of these lands would have been beneficial. However I recognise that the lands at present are not in residential use. I do not consider that the proposed development its height along the western portion of the site and the set back from the boundaries would detract from the development potential of the adjoining lands in terms of access to sunlight for potential amenity areas, furthermore any development of this site would have to have regard to the existing/permitted built environment and the land use zoning objective Z6 attached to it which has a stated objective 'to provide for the creation and protection of enterprise and to facilitate opportunities for employment creation' .

#### **11.4.5 Potential Impacts during Construction Phase/Operational Phase.**

##### **11.4.5.1 Construction Phase:**

Observers have raised concerns that the amenities of local residents would be impacted by noise, dust, vibrations and traffic during the construction phase of the proposed development.

A Resource & Waste Management Plan (RWMP) submitted with the application deals with matters of waste management amongst other matters. As such, these plans are considered to assist in ensuring minimal disruption and appropriate construction practices for the duration of the project. I have no information before me to believe that the proposal will negatively impact on the health of adjoining residents.

The Construction & Environmental Management Plan (CEMP) addresses how it is proposed to manage impacts arising at the construction phase to ensure the construction is undertaken in a controlled and appropriately engineered manner to minimise intrusion. The CEMP addresses construction traffic and management of same. Includes phasing for works, methodologies, and mitigation measures and address working hours, site security, dust, noise, visual impact and traffic, etc .

Having regard to the proposed demolition of structure on site I consider that a detailed intrusive Asbestos Survey should be undertaken as required by current Regulations (Safety, Health and Welfare at Work (Exposure to Asbestos) Regulations 2006-2010 to identify if any Asbestos Containing Material (ACM) is present. This can be addressed by condition in my opinion.

The proposed development includes the construction of a significant basement on the site. I have reviewed the foundation appraisal report submitted with the application which I consider robust and acceptable.

Observers have raised concerns in relation to noise/dust etc from the construction phase. I have examined the CEMP and RWMP and I consider the proposal robust and reasonable. I note that the impacts associated with the demolition, construction works and construction traffic would be temporary and of a limited duration. I am of the view that construction related matters can be adequately dealt with by means of condition as is standard practice. However, if the Board is disposed towards a grant of permission, I recommend that a final Construction Management Plan, Construction & Demolition Waste Management Plan and Method Statement for excavation works be submitted and agreed with the Planning Authority prior to the commencement of any works.

These matters are addressed further in the EIAR submitted with the application and I refer the Board to section 12 of this report.

#### **11.4.5.2 Operational Phase:**

In relation to issues regarding potential noise associated with the use of the access ramp to the basement carpark. I have no reason to believe that this would be an issue given the set back from the Santry Place and the shared access road that will serve both developments.

With regard to potential noise generating from the use of communal amenity areas and roof terrace would have a negative impact on their quality of life. A level of noise is to be expected in urban areas. I note that planning authority did not raise this as a concern. The applicant has submitted a Property Management Strategy Report with the application. This states that the development will be run by a Management Company to manage the estate and common areas of the development and sets out a structure to ensure the scheme is maintained to a high level. This is acceptable, in my opinion.

An Operational Waste Management Plan is submitted and addresses waste storage/disposal/collection.

Having regard to the foregoing and subject to conditions I am satisfied that impacts at operational stage can be controlled.

## **11.5 Traffic & Transportation**

### **11.5.1 Access and traffic**

Observations have raised concerns in relation to the impact of the proposed development on existing traffic and congestion on the surrounding road network, the level of on-site parking provision and potential for over-spill impacts on adjoining roads, and the capacity of public transport services to serve this and other developments in the area.

The site is currently served by 2 no. vehicular access points along Santry Avenue. One access serves the existing building merchants and the other provides access to the site to the south which is currently under construction. It is proposed to close the access serving the existing building merchants on site and retain and modify the remaining access along Santry Avenue. Drawing 'Road Layout Plan' provides details on the proposed modifications to this access showing that 45m sight lines can be achieved in both directions.

An additional vehicular access and internal access road was granted permission under PA Reg. Ref. 2713/17 to serve the adjoining development (Santry Place). This access and the new internal road is included within the red line boundary of application and will provide both on street car parking and access to the basement car and cycle parking. The general layout and access arrangements onto Swords Road remain as previously permitted.

The secondary access onto Swords Road was granted (2713/17) in agreement with the NTA and is to be a left in, left out only given the nature of and future proposals of the Swords Road and the Bus Connects proposal. The Roads Layout Plan submitted with the current application confirms that this new access will be designed for left in, left out only. DCC Transportation Planning Division notes that a number of issues have been raised in the Road Safety Audit, I am satisfied that these can be addressed by appropriate condition if the Board is of a mind to grant permission.

It is proposed that the internal access road will provide for two way traffic with a T junction arrangement within the site where the existing road meets with the new internal road. A segregated pedestrian footpath will be provided adjacent to the carriageway.

A number of bus services operate along the Swords Road providing access to the city centre to the south and north to the airport and Swords / Balbriggan. One route runs east - west along Santry Avenue / Coolock Lane. These services operate at relatively high frequency during peak hours as documented in the application. Proposals under Bus Connects will improve infrastructure and bus frequency along both adjoining roads and also provide for improved pedestrian and cycle facilities. Bus Connects provides for two new spine route services along the Swords Road, A2 terminating at the airport and A4 serving Swords. As noted previously in this report planning applications in respect of the Core Bus Corridors commenced being lodged in Q4 2022.

The application is accompanied by a Traffic and Transport Assessment, and I note the report of the Transportation Planning Department of the planning authority in respect of the proposed development. A Stage 1 RSA has been submitted which is referenced in planning authority reports and I consider that the matters raised could be satisfactorily addressed by way of condition in the event of a decision to grant permission in this case. There are currently no cycle facilities along Santry Avenue and current road widths would not appear to be sufficient to accommodate the Secondary Orbital Route (N05) proposed as part of the GDA Cycle Network Plan. While this is beyond the scope of the current application, I consider that the development should make provision for the future installation of this route. In the event of a decision to grant permission, conditions requiring revisions to the Santry Road frontage to facilitate

The Traffic and Transportation Assessment (TTA) submitted with the application refers to the provision of a set-down / delivery area on Santry Avenue to serve ground floor commercial units. The report argues that the absence of such a facility will likely result in these activities occurring within the road carriageway and / or seeking to mount the footpath which could result in the creation of a traffic hazard. A further set-down area is proposed on the southern access road. The PA recommend that the Santry Avenue loading bay be omitted, which is consistent with the approach of the authority in the city generally. The location of these spaces close to the junction to east is a concern, however, in the absence of adequate facilities, I acknowledge the risk that the operational needs of the proposed commercial units could give rise to ad hoc movements and parking. If the Board consider granting permission a condition should be attached requiring that an operational service plan be agreed with the planning authority which should include provision for deliveries to proposed uses on the site. Final agreement on the number and location of set-down spaces should comprise part of this plan.

The TTA concluded that the impact of predicted trips on the adjoining junctions is assessed as not significant and falls below the 5% threshold for more detailed analysis of operational performance. The TTA confirms that the site entrance / Santry Avenue junction and the site access / Swords Road junctions will continue to operate well within capacity in the design years. This assessment takes account of committed development in the area including existing recently completed and permitted development in the immediate vicinity.

Elected Representatives and observers have raised concerns regarding congestion in the area a significant number of drivers and commuters travel through this area and many of these would be travelling from further outside the city. The proposed development comprises the intensification and regeneration of a brownfield site, in line with national and regional policy objectives for the consolidation of urban areas. The alternative to such development is to push development further out of the city, increasing transport demands. While all development can be expected to give rise to some traffic and transportation impacts, development of such sites has a greater likelihood of facilitating a shift to more sustainable modes. In this regard the application identifies measures promoting sustainable travel including implementation of a Mobility Management Plan and a Car Park Management Strategy (can be conditioned). The Mobility Management Plan's identifies management and monitoring activities and a strategy in respect of different transport modes.

Having regard to the foregoing, I do not consider that the proposed development would give rise to significant or unacceptable impacts on traffic or road conditions in the area. The site is located within 6km of the city centre and proximate to a number of employment centres, including Dublin Airport. The site is well connected via road and public transport services and presents an opportunity for the intensification and consolidation of development within the existing built-up area.

I note that Transport Infrastructure Ireland have stated that this have no comment to make and the NTA have raised no objection subject to condition pertaining to Bus Connects which I address below. DCC Transportation Planning Division have raised no objection subject to conditions. I do not consider that the proposed development would give rise to significant impacts on the operation of the surrounding road network or transport systems.

These matters are address further in the EIAR submitted with the application and I refer the Board to section 12 of this report.

### **11.5.2 Works to Public Realm and BusConnects**

A letter of consent issued from DCC is included within the application to permit the inclusion of the existing public footpath surrounding the site along Swords Road and Santry Avenue. The public footpath around the perimeter of the site and specifically at the junction of Santry Avenue and Swords Road is narrow and substandard in nature.

DCC Transportation Planning Division request a set-back of all elements of the proposal, including landscaping and hard landscaping area to provide a 2m wide public footpath around the perimeter of the site.

A square grassed / landscaped area located at the corner junction reduces the footpath width less than 1m. It should be clear that a 2m wide unobstructed footpath of 2m width, which will be taken in charge as a public footpath, is required around the perimeter of the site along Swords Road and Santry Avenue. I am satisfied that this can be addressed by condition.

DCC Transportation Planning Division noted that under the most recent Bus Connects proposal (Revised Network Map 2020) for the Swords Road to City Centre (CBC No.2), the proposed development would not appear to impact on the delivery of the route along this corridor. The applicant has submitted a plan titled 'NTA's CBC Corridor No.2 Swords to City Centre' which sets out the proposed layout of the BusConnects proposal. This plan confirms the location of the bus stop on the Swords road, south of the site, the proposed left in, left out access arrangements for the new access and the retention of the public footpath adjoin the road along the Swords Road.

I note that TII have stated they have no comment to make in relation to the application. NTA in its submission have stated that the proposed development interfaces with the BusConnects Swords CBC scheme. The CBC is provided for in the Transport Strategy and planning consent will be sought for same in the coming months. The NTA notes the provision of drawing no 200060-X-90-X-DTM-DR-DBFL-CE-1401 as part of the application and is of the view that it is likely that the development can proceed in a manner which facilitates BusConnects. The NTA noted that the detailed design of the CBC scheme, however, has progressed since that assumed in the material submitted and it will be necessary for the applicant to demonstrate that the interface between the proposed development and the final CBC design facilitates the NTA's scheme. This includes the detail of the access arrangements from Swords Road. The NTA recommended that, in the event of a grant of permission, the applicant is required to liaise with the NTA in advance of and during construction in order to ensure that the proposed development, including the access arrangements, is undertaken in a manner which facilitates the BusConnects CBC scheme. I note that the NTA was satisfied that this issue can be addressed through an appropriate condition and overall raised no objection to the proposal currently before the Board.

### 10.5.3 Parking

#### Car:

The application site is located in Parking Area 3, Map J of the Dublin City Development Plan 2016- 2022. Table 16.1 sets out the maximum car parking standards for various uses for Zone 3 where the site is located. The 2016 City Plan notes that apartment parking spaces are mainly to provide for car storage to support family friendly living policies in the city and make apartments more attractive for all residents. It is not intended to promote the use of the car within the city. If the car space is not required in the short-term, it should be given over to other residential storage or utility uses

209 no. car parking spaces are proposed, 173 at basement level and 36 at surface level (of which 5 are set-down spaces and 4 are car share spaces) at a ratio of 0.59 car space per unit. The applicant has set out their rationale for parking within the TTA which I consider acceptable, in addition a Mobility Management Plan is submitted.. I note the report of DCC Transportation Planning Section and having regard to national policy set out in the Apartment Design Guidelines which promotes reduced levels of car parking provision in such locations, I regard the proposals in this case as acceptable.

The proposed parking provision (209 spaces) is below the standard set out in the current Dublin City Development Plan. While it is noted that the quantum of car parking is below the standard set out in the plan it is my opinion that this is not material, as it does not relate to a specific policy of the plan and furthermore Table 16.1 refers to 'maximum car parking standards'. It is also noted that the planning authority did not raise the issue of material contravention of car parking standards.

#### Bicycle:

Table 16.2 sets out the cycle parking standards for various uses. For all zones residential is 1 per unit (additional requirements for larger units and visitor parking will be decided on a case by case basis). Cycle parking serving the proposed development is 777no. spaces, located at basement (719) and surface level (58 short term spaces).

I note that the site layout plan – taking in charge refers to 805 no. cycle spaces. I am basing my assessment on the number of spaces outlined in the public notices submitted with this application. I note this matter was also raised under ABP 310910-21.

The proposed quantum of resident cycle parking exceeds both the New Apartment Guidelines as well the Dublin City Council Development Plan requirements for cycle parking which is acceptable. DCC Transportation Planning Division indicate that the level, layout and design of cycle parking is acceptable to them.

There are currently no cycle facilities along Santry Avenue and current road widths would not appear to be sufficient to accommodate the Secondary Orbital Route (N05) proposed as part of the GDA Cycle Network Plan. This is beyond the scope of the current application, however, the development should be cognisant of the implications of the future installation of this route as it may conflict with proposed loading areas on this frontage.

## **11.6 Services & Drainage**

There is an existing 300mm diameter public foul sewer located on the Swords Road (R104) to the east of the site. A 225mm diameter foul sewer has been constructed within the previously approved mixed-use development (Planning Ref: 2713/17 & 2737/19) to the south of the site. This foul sewer has been constructed from the development site boundary across Swords Road and connected to the existing 300mm diameter public foul sewer noted above under a Connection Agreement with Irish Water. The applicant's Engineering Services Report notes no diversion works of existing Irish Water infrastructure are required to facilitate this proposed development. And any existing private foul infrastructure present onsite will be grubbed up and removed.

It is proposed to discharge foul sewerage from the development via gravity by means of a new 225mm diameter sewer outfalling to a manhole constructed as part of the previously approved proposed mixed-use development (Planning Ref: 2713/17 & 2737/19) to the south of this development. This will negate the requirement for any construction outside of the site boundary and minimise any disruption to the public.

Foul sewage in apartment blocks located over the basement will be drained on separate systems via 150mm diameter pipes slung from the underside of basement roof slabs and adjacent to the basement walls. Service pipes from individual properties will project through ground floor slabs and connect into the slung drainage system which in turn will connect by gravity to the proposed external foul drainage system. Any surface water from the basement car park generated by incidental run-off/spillage will drain through an underground system of collector pipes, gullies and ACO drains which in turn will pass through a petrol interceptor prior to discharging into a foul pumping well located under the basement. The run-off will then be pumped via a rising main which will connect to the gravity foul drainage system for the site at ground level via an outfall manhole in accordance with the requirements of the Greater Dublin Strategic Drainage Study (GDSDS) and Irish Water.

There is an existing 225mm diameter public surface water sewer located on the Swords Road (R104) to the east of the site. A surface water network is currently under construction within the previously approved proposed mixed-use development (Planning Ref: 2713/17 & 2737/19) to the south of the proposed development. This system contains an attenuation system, hydrobrake and petrol interceptor on the outfall surface water sewer. This outfall sewer discharges to the existing 225mm diameter sewer noted above. A connection to the public sewer has been made at the junction of the Swords Road with Schoolhouse Lane under permission of Dublin City Council. The applicant's Engineering Services Report notes that this connection has been approved under Planning Ref: 2713/17 & 2737/19. And any existing private infrastructure present onsite will be grubbed up and removed

The surface water drainage from this development is proposed to discharge, following attenuation and hydrobrake flow control device, via a new 225mm diameter surface water sewer to a manhole constructed as part of the previously approved mixed-use development (Planning Ref: 2713/17 & 2737/19) to the south of this development.

The applicant's Engineering Services Report notes that there is currently no water supply infrastructure, noted on Irish Water records within the subject site. There is an existing 300mm diameter cast iron public watermain located on the Swords Road adjacent to the proposed site entrance. Any existing private infrastructure present onsite will be grubbed up and removed. It is proposed that a connection will be made to the existing 300mm diameter cast iron watermain on Swords Road. A proposed 200mm diameter watermain and new fire hydrants will be provided throughout the site in accordance with Irish Water Code of Practice.

Irish Water have outlined in their submission on file that a water connection is feasible subject to infrastructure upgrade by Irish Water. This includes a) c. 20m of new 200mm ID pipe main has to be laid to connect to the site development to the existing 12" CI Main; b) on site storage for the average day peak week demand rate of the commercial section for 24 hour period. This separate storage is required to supply this demand and will have a re-fill time of 12 hours. Irish Water highlighted that it currently does not have any plans to extend its network in this area. Therefore should the applicant wish to progress with the connection they will be required to fund this upgrade. In respect of Wastewater Irish Water noted that a connection is feasible subject to infrastructure upgrade by Irish Water. There are capacity constraints in the downstream network. In order to provide capacity for the development the Santry Pumping Station will need to be redirected to the North Fringe Sewer catchment via an already laid rising main on Northwood Ave. This works are not on the Capital Investment Program and would need to be funded by the developer.

I note the requirements of Irish Water and DCC Drainage Division which are recommended to be addressed by condition and consider them acceptable.

I have examined the reports on file and submissions received. Based on the information before me I am generally satisfied in relation to the matter of surface water disposal and attenuation subject to standard conditions. Notwithstanding, a condition should be attached that final drainage proposals are to be agreed with the planning authority if permission is granted. The site can be facilitated by water services infrastructure (subject to the conditions set out above requiring works to be carried out and funded by the applicant) and the Planning Authority and Irish Water have confirmed this. Having regard to the foregoing I am satisfied that outstanding issues can be addressed by condition if the Board is of a mind to grant permission.

### **Flood risk**

Observers and Elected Representatives raised concerns regarding flooding of the site and adjoining roads.

A SSFRA has been submitted which identifies that the site is located within Flood Zone C and is appropriate for development. The SSFRA concludes that regularly maintained drainage system will ensure that the network remains effective and in good working order should a large pluvial storm occur. In the event of extreme pluvial flooding then overland flood routes will direct water towards the open space areas. While the development constitutes 'highly vulnerable' development, it is appropriate for this flood zone and the scheme is designed to ensure that the risk of flooding of the development is reduced as far as is reasonably practicable. The development does not increase the risk of flooding to adjacent areas and roads once mitigation measures are implemented.

The development provides for the operational collection and management of surface water with attenuation to greenfield runoff rates prior to discharge from the site. Investigations indicate poor infiltration characteristics in the area, and all proposed management and attenuation measures therefore comprise tank / storage features. Mitigation measures include permeable paving, green roofs, catchpit manholes, pluvial cube attenuation system and a separator prior to discharge to the public surface water network. Proposed surface water discharge is to a manhole constructed as part of the Santry Place development to the south and it is indicated that the petrol interceptor provided as part of that scheme has capacity to accommodate the combined discharge from both of these sites. The surface water network has been designed to accommodate a 100-year storm event (provision for 20% climate change included).

DCC Drainage Division raised no objection subject to the flood mitigation measures identified in the Site Specific Flood Risk Assessment dated June 2022 being implemented. And to minimise the risk of basement flooding, all internal basement drainage must be lifted, via pumping, to a maximum depth of 1.5 metres below ground level before being discharged by gravity from the site to the public sewer. Permanent discharge of groundwater to the drainage network is not permitted. Discharge of groundwater to the public drainage network may be permitted during construction subject to a trade effluent discharge license being obtained.

The planning authority have not raised any issues in respect of the drainage / flooding of the Swords Road which was raised by a number of observers. Having regard to the characteristics of the site and the analysis provided, and subject the mitigation measures set out in the SSFRA and CEMP to protect ground water quality, including the monitoring of groundwater levels and monitoring of vibration and noise, I do not consider that significant impacts are likely.

I have reviewed the available information and I note that the site is located in Flood Zone C as per the SFRA for the current Development Plan. I consider, subject to the implementation of appropriate mitigation measures as contained in the submitted SSFRA that the proposed development is acceptable from a flood risk point of view.

These matters are addressed further in the EIAR submitted with the application and I refer the Board to section 12 of this report.

## **11.7 Ecology & Biodiversity**

Biodiversity is addressed in detail in the EIAR submitted with the application and I refer the Board to section 12 of this report.

### **11.7.1 Bats:**

Observers have raised concerns regarding the presence of bats and the submission of an outdated survey that was carried out for the previous application lodged (ABP 310910-21). A Bat Survey Report (dated May 2021) is submitted with the application. (refers to a general bat activity survey undertaken on the 28<sup>th</sup> April 2021). It was noted that this survey was undertaken by walking the site boundary and around all structures on site. Noted no bats detected and the site lacks commuting and foraging routes to more suitable habitats and is well illuminated. A bat assessment of the building on site was carried out and noted no bat emergence detected or observed. A bat potential tree assessment was carried out where trees were examined and classified and concluded that the trees on site had no/negligible potential for roosting bats. It also notes that ecological survey results were evaluated.

The report concluded that no trees of bat roosting potential were identified on site. No evidence of bats roosting or bat foraging was noted, therefore no significant negative impacts on roosting animals are expected to result from the proposed redevelopment. Notwithstanding, the applicant's report recommended that lighting mitigation measures and installation of bat boxes. I am satisfied that this can be addressed by condition if permission is granted.

I note Observers have raised concerns relating to the timing of the surveys and the need for up to date ones. I am of the view given the nature of the site and the current use was in place in 2021 and the condition of the site is unchanged that there is no need for this. Furthermore surveys are normally valid for two survey seasons.

#### **11.7.2 Birds**

The possibility of bird strikes/collision due to the height of the buildings has been raised as a concern in some of the third party submissions received. No significant flight paths related to protected birds have been identified in this area and the observer has submitted no evidence in relation to existence of flight paths.

The height of the tallest building within the proposed development site is 43.3m. The Urban Development and Building Height Guidelines note that an assessment of potential impact on flight lines and/or collision may be undertaken in proximity to sensitive bird or bat areas, but the guidelines are not prescriptive in this regard. The subject site is not located in such proximity and is remote from identified / designated sites for birds, and in particular migratory bird species. The site is not currently attractive for birds and no evidence has been submitted that this is a sensitive site.

The design of proposed buildings is such that there are not extensive glazed areas. While events of bird collision could still arise, I do not consider that significant impacts are likely and a condition in this regard would address residual risks arising. There are unlikely to be significant effects on any SCI species associated with any designated sites in this regard. This has not been raised as a concern by the planning authority.

#### **11.8 Part V**

The applicant has submitted Part V proposals as part of the application documents. 35 units (9 no. 1 bed and 26 no. 2 bed) are currently identified as forming the Part V housing. The Chief Executive Report notes that the Housing Section confirmed the developer's agent has engaged with the department and are aware of the Part V obligations pertaining to this site if permission is granted.

I note Housing for All Plan and the associated Affordable Housing Act 2021 which requires a contribution of 20% of land that is subject to planning permission, to the Planning Authority for the provision of affordable housing. There are various parameters within which this requirement operates, including dispensations depending on when the land was purchased by the developer. In the event that the Board elects to grant planning consent, a condition can be included with respect to Part V units and will ensure that the most up to date legislative requirements will be fulfilled by the development.

## **11.9 Non-Residential Use**

Block A has 2 no. retail/commercial units (unit B c.132.4sq.m and unit C c.173sq.m) proposed on the ground floor. These front onto and address Swords Road. I consider their scale and location acceptable.

Block B has 1 no. retail/commercial units (unit D c.162.3sq.m) and a medical suite/GP Practice (unit E c. 130.4sq.m) proposed on the ground floor. These front onto and address Swords Road. I consider their scale and location acceptable.

Block D has a commercial unit/café (Unit A c.163.3sq.m) proposed on the ground floor. This fronts onto and addresses Santry Avenue. I consider the scale and location of this unit acceptable.

Block E has a c.188.1 sq.m community use unit proposed on the ground floor. This fronts onto and addresses Santry Avenue. I consider the scale and location of this unit acceptable.

Between Block A and B is a c. 187.9sq.m residential amenity building. This fronts onto and addresses Santry Avenue. I consider the scale and location of this unit acceptable.

Issues relating to shopfront and signage can be addressed by condition if a grant of permission is forthcoming.

## **11.10 Social Infrastructure**

Concerns have been raised by observers and public representatives that there is a lack of available social infrastructure in the area to meet the needs to the existing community and additional demand arising from the proposed development will further exacerbate this situation.

A 'Social & Community Infrastructure Assessment' has been submitted with the application. This has examined existing range of social infrastructure within a 2km catchment of the subject site. If the existing social infrastructure provision supports the needs of the existing population and sought to offer insights into the likelihood of the capacity of the existing services and facilities to support future residents.

The Assessment concluded that the development will be well served by existing social & community infrastructure in the study area. Notwithstanding same, cognisance was paid in the assessment to the scale of development put forward and due consideration given to the Z3 zoning attached to the development site. As such, the development includes for non-residential uses to further ensure that the residential elements of the development will be appropriately supported by, and delivered in tandem with, social & community infrastructure. The non-residential elements of the development include for: 4 no. retail / commercial uses, a medical suite / GP Practice unit, a community use unit, and a residential amenity support unit.

The applicant submits that the existing social infrastructure provision identified within the c. 2km catchment in conjunction with the non-residential uses proposed with the development will be capable of serving the existing population and potential demand generated by the proposed development scheme, with no significant gaps in the existing services network identified.

I have reviewed the applicants audit and noted that concerns raised by third parties. I also note that the planning authority has not raised concerns in this regard and a review of the social infrastructure is also being undertaken as part of the overall review of the City Development Plan. Based on the information before me I see no justification to refuse permission on the ground of available social infrastructure.

These matters are address further in the EIAR submitted with the application and I refer the Board to section 12 of this report.

### **11.11 Childcare**

The Apartment Guidelines (2020) states that the threshold for provision of childcare in apartment schemes should be established having regard to the scale and unit mix of the scheme, the existing geographical distribution of childcare facilities and the emerging demographic profile of the area. The guidelines state that 1 bed or studio units should generally not be considered to contribute to a requirement for childcare provision and, subject to location, this may also apply in part or whole to units with 2 or more bedrooms.

The Social and Community Infrastructure Assessment submitted with the application noted there are 14 no. existing childcare facilities in the study area which have a combined capacity for 702 no. childcare places. Eight of the fourteen childcare facilities identified in the study area were available or willing to comment on their current vacancy rates when contacted by the author of the assessment. These 8 no. facilities have a combined capacity for 414 no. childcare places and current vacancies available for 69 no. childcare places.

The Social and Community Infrastructure Assessment submitted with the application concluded that there are sufficient childcare facilities, both existing and permitted, within the study area to cater for the expected childcare needs generated by the development.

The proposal does not include provision for a childcare facility and the matter has been addressed in the submitted 'Social and Community Infrastructure Audit' which included a Childcare audit and assessment to determine the existing childcare provision in the vicinity. The applicants support their argument for non-provision by reference to existing and permitted childcare facilities within the locality. Given the scale of the development (350 apartments) I am not satisfied with the justification put forward in this regard when excluding the one bedroom apartments there still remains 237 apartments (ie 67% of the units) which seeks to provide an appropriate unit mix.

The planning authority holds the view that a creche facility should be provided as part of the development and recommended that a condition be attached for a creche to be provided on the ground floor of Block C through the omission of 2 no. units and a portion of communal corridor. I note the recommendation put forward by the planning authority and the rationale for same. I also am cognisant that a childcare facility is provided in Santry Place (developed by the current applicants) which could potentially serve some of the needs arising the proposed development. In this regard while I do not agree that a creche should be provided in an additional unit in Block C. I am of the view that a childcare facility should be provided for through the use of one or amalgamation of one or more of the proposed units in Block A/B given the level of vacancy in recently permitted retail/commercial units.

## **11.12 Other Matters**

### **11.12.1 Impacts and Aviation**

Observers raised concerns relating to impacts on public health from aviation fumes due to the height of the structures. I note that no independent evidence has been submitted to support this. Having regard to the height of the proposed structures I have no evidence to support this assertion. Furthermore I note that the DAA did not raise this as an issues.

The DAA in their submitted noted that the site is located within the Obstacle Limitation Surface for Dublin Airport. As such it is recommended that no structure on site should exceed 112m above Ordnance Survey Datum (mean sea level, Malin Head). This requirement extends to any kind of rooftop development such as proposed plant or rooftop equipment, flues, chimneys, masts, antennae, parapet etc. and also applies to crane use (whether mobile or tower) during the construction phase.

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

### **11.12.2 Cultural Heritage**

Observers have raised issues in respect of impacts on the cultural heritage of the area, including St. Pappan's Church and the loss of certain industrial buildings from the site. The site is not identified as a site of archaeological interest. I note the assessment of archaeological potential of the site set out in the EIAR and Archaeological Assessment Report and the significance of the site of St. Pappan's church and ecclesiastical enclosure. Having regard to the information presented and the existing use of the site, it is considered that the identified mitigation measures are satisfactory and would address any potential impacts arising.

St. Pappan's Church and associated holy well are protected structures. The church and monuments within the graveyard are identified in the NIAH as being of regional significance. The development plan identifies the church and its surroundings as a Conservation Area and site of archaeological interest.

DCC Conservation Officer did not raise any objection to the development in respect of impacts on the character or setting of this structure or Conservation Area, which setting is compromised by existing low-quality structures immediately to the west. The proposed development will not be viewed in conjunction with the church, and I do not consider that significant impacts on its character or setting are likely.

As addressed in section 11.2.1 the main concern raised by the Conservation Officer related to the unacceptable demolition/loss of the existing modernist industrial building on site and recommended permission be refused on these grounds. The building is not a protected structure or identified on the NIAH. Having regard to its scale and location within the site, I have addressed the demolition of existing structures in section 11.2.1.

These matters are address further in the EIAR submitted with the application and I refer the Board to section 12 of this report.

### **11.12.3 Legal**

The applicants in Q.7 of The Strategic Housing Development Application Form have stated that the *“The vast majority of the site is owned by the applicant; however, due to the nature of some public realm works included for as part of the proposed development, a small portion of the site, where it addresses Santry Avenue and Swords Road, is under the control of Dublin City Council. In addition, the previously permitted entrances to the site (granted under Dublin City Council Ref. 2713/17) are under the control of Zoltorn Ltd. Enclosed as part of the application are 2 no. letters of consent in relation to same i.e. 1 no. prepared by Dublin City Council & 1 no. prepared by Zoltorn Ltd, consenting to the inclusion of lands within their control within the red line of the planning application”*. I have reviewed the documentation submitted and I note that a letters of consent is included from Zoltron Ltd for the submission of a planning application. And a letter of consent is included from Dublin City Council for inclusion of lands for the purposes of making an application (footpaths and section of roadway). Documentation on file states that the current application, Dwyer Nolan Developments Ltd, are developing Santry Place on behalf of its owners.

I note that it is not for the planning system to resolve matters relating to landownership if they arise.

Section 5.13 of The Development Management, Guidelines for Planning Authorities (2007) refer to Issues relating to title of land. This section states that the planning system is not designed as a mechanism for resolving disputes about title to land or premises or rights over land; these are ultimately matters for resolution by the Courts. In this regard, it should be noted that, as section 34 (13) of the Planning Act states, a person is not entitled to solely by reason of a permission to carry out any development. Where appropriate, an advisory note to this effect should be added at the end of the planning decision.

The Guidelines also set out that permission may be granted even if doubt remains. However, such a grant of permission is subject to the provision of section 34(13) of the Act. In other words the developer must be certain under civil law that he/she has all the rights in the land to execute a grant of permission.

I am of the view that it would be unreasonable to refuse permission in relation to this matter. The question of ownership of land is a legal matter and outside the scope of a planning permission.

### **11.13 Material Contravention**

The applicant has submitted a material contravention statement in relation to the matter outlined above, the justification/ reason put forward relate to the relevant section 28 guidelines, regional guidelines or national frameworks. The applicant has advertised that a material contravention statement is submitted as part of the application has as required under legislation.

Section 37(2)(b) of the Act of 2000 (as amended) states that where a proposed development materially contravenes the Development Plan, the Board may grant permission where it considers that:

- (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 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

The current application has been lodged under the Strategic Housing legislation and in respect of 37(2)(b)(1) the proposal meets the definition of 'strategic housing development' pursuant to section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016 (as amended). The policies and objectives within Rebuilding Ireland – The Government's Action Plan on Housing and Homelessness and the National Planning Framework (NPF) – Ireland 2040 which fully support and reinforce the need for increased residential density in settlements such as that proposed. National Policy Objective 35 of the NPF refers to such sites. I consider this to be one such site. Ultimately higher densities, result in greater numbers of people living at the right location, as well as taller buildings that should be delivered with greater unit mix and higher quality accommodation.

I have addressed all of these points in the body of my report.

#### Height:

Section 16.7.2 of the current Dublin City Development Plan: Height Limits and Areas for Low-Rise, Mid-Rise and Taller Development addresses the issue of building height in the city. The Plan sets 16m as the maximum height permissible for residential developments in this area.

This proposed development with a heights ranging from c.22.9m to c.48.3m exceeds the prescribed height in the development plan (16m residential). I consider the exceedance in terms of metres proposed to be material.

The current proposal has apartment buildings that range in height from 7 to 14 storeys (Block A is 14 storeys (c.48.3m), Block B is 7 storeys (c.24.6m), Block C is 7 storeys (c.22.9m - 26.4m including lift overruns), Block D is 10 storeys (c.32.6m), Block E is 10 storeys (c.32.6m), Block F is 7 storeys (c.22.9m - 26.4m including lift overruns), and Block G) is 7 storeys (c.22.9m). The 2018 Building Height Guidelines provide that permission may be granted for taller buildings where the development management criteria in the guidelines are met, even where specific objectives of the relevant Development Plan or Local Area Plan indicate otherwise. I consider that the site is appropriate for increased height in light of guidance in the Urban Development and Building Height, Guidelines for Planning Authorities (SPPR3) particularly in consideration of the Development Management Criteria in section 3.2 of the guidelines relating to proximity to high quality public transport services, character of the location, the contribution of the proposal to the street, improvement of legibility and daylight and sunlight considerations alongside performance against BRE criteria. I have addressed compliance with criteria contained in section 3.2 in section 11.2.2 . of this report. I have addressed access to sunlight/daylight in sections 11.3.3 and 11.4.4.

I am of the opinion that given its 'Z3' zoning, the delivery of residential development on this serviced zoned site would be consistent with policies and intended outcomes of the NPF and Housing For All – A New Housing Plan for Ireland. The site is located in an accessible location, served by good quality public transport in an existing serviced area. The proposal serves to widen the housing mix within the general area and would improve the extent to which it meets the various housing needs of the community. The proposed development has been lodged under the strategic housing process, which aims to fast-track housing development on appropriate sites in accordance with the policies and objectives of Rebuilding Ireland. This legislation recognises the strategic importance of such sites in the provision of housing in meeting both current and future need. The proposed development meets or exceeds to requirements set out in the Urban Development and Building Height Guidelines for Planning Authorities, Sustainable Urban Housing: Design Standards for New Apartments and the Sustainable Residential Development in Urban Areas Guidelines.

I have set out compliance with section 3.2 of the Building Height Guidelines in section 11.2.2 of this report. I am of the view that material contravention is justified in this instance.

Having regard to the provisions of Section 37(2)(b) of the Planning and Development Act (as amended), I consider that a grant of permission, that may be considered to material contravene the Development Plan, would be justified in this instance under sub sections (iii) of the Act.

I have addressed in my assessment why I do not consider that the proposed development materially contravenes the provisions contained in the Dublin City Development Plan 2016-2022 relating to unit mix, density or unit size.

Observers' have commented on the legality of the S.28 Building Height Guidelines and the Apartment Design Guidelines and the ability of the Board to have regard to same in deciding planning applications, however, I consider that such matters lie outside the scope of this report.

#### **11.14 Chief Executive Report**

I have addressed issues raised in the Chief Executive Report in my assessment above.

I note the conditions recommended in the event the Board grants permission, I consider these broadly acceptable subject to minor amendments. Where I do not consider a condition appropriate, I have addressed this in my assessment.

### **12.0 Environmental Impact Assessment (EIA)**

#### **Statutory Provisions**

This section sets out an Environmental Impact Assessment (EIA) of the proposed development. The development provides for the demolition of the existing structures (c.4198sq.m) on this site of 1.5ha, and construction of 350 no. apartments in 4 no. buildings comprised of 7 no. blocks (block A/B, C/D, E/F and G) ranging from seven to fourteen storeys over basement level, with 5 no. retail (one of which is GP Services/Medical Suite)/ commercial units, residential amenity and community uses at ground floor level facing onto Santry Avenue and Swords Road. I refer to the more detailed description of the proposed development set out in section 3.0 above. A number of topics and issues raised by observers that concern environmentally related matters have already been addressed in the wider planning assessment described above, and where relevant I have cross-referenced between sections to avoid unnecessary repetition.

This application was submitted to the Board after the commencement of the European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018 which transpose the requirements of Directive 2014/52/EU into Irish planning law. The application was accompanied by an Environmental Impact Assessment Report (EIAR). Schedule 5 of the Planning and Development Regulations 2001-2020 identifies projects in respect of which the submission of an EIAR is mandatory.

The proposed development is not identified within Part 1 of the schedule, nor does it exceed the thresholds identified in Part 2 thereof. I note the following relevant criteria in respect of Class 10 – Infrastructure Projects

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

Whilst the proposed development does not exceed these thresholds, having regard to the extent of recently completed and planned development in the surrounding area, the applicants have provided an EIAR to allow a comprehensive assessment of the development.

The EIAR dated 20/06/22 comprises a non-technical summary (vol. II), a main volume and supporting appendices (Vol I). Chapter 16 of the main volume provides a summary of the mitigation measures described throughout the EIAR. Each chapter describes the expertise of those involved in the preparation of the EIAR.

Vol. I includes:

Part A.

Chapter 1 sets out an introduction and background to the EIAR and the EIA process. The requirements of the Directive and the methodology used in preparing the EIAR are set out and the contributors to the report and their qualifications are identified.

Chapter 2 sets out the planning policy context of the proposed development.

Chapter 3 describes the proposed development, including the construction process, and identifies alternatives considered.

Part B of the EIAR considers Effects on the Environment. The likely significant direct and indirect effects of the proposed development are considered in the following Chapters, in accordance with Article 3 of the EIA Directive 2014/52/EU:

4. Population and Human Health
5. Biodiversity
6. Land and Soils and Geology
7. Water
8. Air Quality and Climate
9. Noise
10. Material Assets – Built Services

11. Material Assets –Transportation
12. Material Assets – Resource and Waste Management
13. Archaeology and Cultural Heritage
4. Landscape
15. Identification of Significant Impacts / Interactions
16. Summary of EIA Mitigation and Monitoring Measures.

As is required under Article 3(1) of the amending Directive, the EIAR describes and assesses the direct and indirect significant effects of the project on the following factors: (a) population and human health; (b) biodiversity with particular attention to the species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC; (c) land, soil, water, air and climate; (d) material assets, cultural heritage and the landscape. It also considers the interaction between the factors referred to in points (a) to (d). Article 3(2) includes a requirement that the expected effects derived from the vulnerability of the project to major accidents and / or disasters that are relevant to the project concerned are considered.

In terms of cumulative impacts of the proposed development with other planned projects in the immediate area and are addressed primarily within each relevant chapter of the EIAR and Chapter 15 (Interactions).

I am satisfied that the information contained in the EIAR has been prepared by competent experts and complies with article 94 of the Planning and Development Regulations 2000, as amended. The EIAR would also comply with the provisions of Article 5 of the EIA Directive 2014. This EIA has had regard to the information submitted with the application, including the EIAR, and to the submissions received from members of the public, the council and prescribed bodies and which are summarised in sections 7, 8 and 9 of this report above.

#### **Consideration of risks associated with major accidents and/or disasters.**

Article 3(2) of the Directive includes a requirement that the expected effects derived from the vulnerability of the project to major accidents and / or disasters that are relevant to the project concerned are considered.

The 2018 Guidelines on carrying out Environmental Impact Assessment identify two key considerations:

- The potential of the project to cause accidents and/or disasters, including implications for human health, cultural heritage, and the environment.
- The vulnerability of the project to potential disasters/accidents, including the risk to the project of both natural disasters and man-made disasters.

The EIAR notes the requirements of Article 3 and observes that the surrounding pattern of development does not include any man-made industrial processes (including Seveso II Directive sites) which would be likely to result in a risk to human health and safety.

I note that the proposed development is located outside the Dublin Airport Outer Public Safety Zone and subject to compliance with the requirements of the IAA, is not considered to give rise to a risk of accidents or disasters. The application is accompanied by a site-specific flood risk assessment, and Chapter 7 of the EIAR considers the risk of flooding. This concludes that the site the proposed development is not at risk of flooding and will not give rise to flooding impacts elsewhere. Having regard to the nature of the proposed residential development on zoned lands, and to the surrounding pattern of land uses and development, I am satisfied that the development is not likely to cause, or to be vulnerable to, major accidents and / or disasters.

### **Alternatives**

Article 5(1)(d) of the 2014 EIA Directive requires “a description of the reasonable alternatives studied by the developer, which are relevant to the development and its specific characteristics, and an indication of the main reasons for selecting the chosen option, taking into account the effects of the development on the environment.”

Chapter 3 identifies the alternatives considered and the reasons for not proceeding with each. In the context of current planning and housing policy for the area, county and the region, I do not regard the Do-Nothing option or alternative locations or uses to be reasonable alternatives. A series of alternative design and layout options were considered and discussed with the planning authority and An Bord Pleanála, which are briefly described. Alternative phasing approaches are also considered. Having regard to the policy and zoning objectives for the area and the location and brownfield nature of the site, it is considered that the issue of alternatives has been adequately addressed in the application documentation.

I note that observers raised concerns with the lack of clarity regarding the EIAR. I have reviewed the documentation submitted and I am satisfied that the EIAR has been prepared by competent experts to ensure its completeness and quality, and that the information contained in the EIAR and supplementary information provided by the developer, adequately identifies and describes the direct, indirect and cumulative effects of the proposed development on the environment and complies with article 94 of the Planning and Development Regulations 2000, as amended.

In carrying out this EIA I have examined all the information presented by the applicant, including the EIAR, and the submissions and observations received during the course of the application. A summary of the submissions made by observers, the planning authority and prescribed bodies in this regard has been set out in the sections 7, 8 and 9 respectively of this report.

Overall, I am satisfied that, the Directive requirements in relation to the consideration of alternatives have been satisfied.

### **Consultations**

I am satisfied that the participation of the public has been effective, and the application has been made accessible to the public by electronic and hard copy means with adequate timelines afforded for submissions

### **Assessment of Likely Significant Effects**

The likely significant indirect effects of the development are considered below and reflect the factors set out in Article 3 of the EIA Directive 2014/52/EU.

### **Chapter 4 Population and Human Health**

EIAR notes that likely environmental effects were assessed at a Strategic Level as part of the City Development Plan.

Likely construction effects:

- Potential negative impacts on residential amenity and human health, associated with construction traffic, including travel disruption and the generation of noise and dust emission during construction.
- There will be negative landscape and visual impacts during construction.
- There will be some short-term positive impacts due to employment creation and additional spend in the economy.

Potential Health and Safety risks during construction activities.

The EIAR describes the temporary impacts associated with the construction phase as negative and slight/moderate.

Mitigation

- Implementation of an agreed Construction Environment Management Plan (CEMP), Construction and Demolition Waste Management Plan and Traffic Management Plan (TMP).
- Implementation of a Dust Management Plan and Noise Abatement Plan. Restricted working hours.
- Monitoring measures in accordance with the Construction Management Plan.

Likely Operational Effects:

- Increased housing provision in the area will have a positive local impact.
- The increased population will give rise to increased demand for services and facilities in the area but may also support improved service provision.
- There will be a slight positive impact on employment and retail spend in the area. Increased numbers travelling and commuting to and from the area.
- There will be some landscape or visual impacts arising from the redevelopment of this industrial site.

Mitigation

- The location adjacent to a wide range of amenities and services, within commuting distance of the city centre, and served by public transport.
- The provision of new community uses, residential amenity facilities, commercial / retail uses and public open space within the development.

- Pedestrian and cycle linkages through the site will connect to Santry Demesne.

Overall, subject to adherence to best practice and implementation of appropriate mitigation measures detailed in the EIAR, the overall temporary impacts associated with the construction phase (noise, dust, visual, traffic disruption) are considered to represent a slight / moderate negative impact for the population. In order to avoid and / or reduce impacts on the adjoining residents, a CMP will be put in place prior to the commencement of development.

Residual Impacts include implementation of development plan proposals for the lands. In terms of cumulative impacts, the development will continue the redevelopment and change in urban character along this stretch of the Swords Road, with landscape and visual impacts. Adjacent development to the south and southeast are generally complete and cumulative construction impacts are not likely. Concurrent construction with permitted development further to the south will be mitigated by the agreed CEMP and traffic management plan. There will be an increase in housing provision in this area to contribute to meeting housing demand, while the increased population will impact on local services in the area.

I note third party submissions regarding infrastructure capacity. The EIAR does not include an assessment community infrastructure. however, I refer to section 11.10 of this report where I address existing social infrastructure, and that there is sufficient capacity in the area to meet the demands of the proposed development and other documentation submitted by the applicants, including the Social and Community Infrastructure Assessment. I consider that sufficient information has been provided to assess the effects of the development and conclude that significant adverse impacts will not arise. I have considered all of the application documentation and submissions received, and I am satisfied that predicted impacts in relation to Population and Human Health would be avoided, managed and mitigated by the measures which form part of the proposed scheme. I am satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative impacts in terms of Population and Human Health. Overall, I concur with the conclusions of the EIAR with respect to population and human health.

## **Chapter 5 Biodiversity**

Studies and surveys (habitat, mammal and bird survey dated 13<sup>th</sup> May 2021, bat survey dated 28<sup>th</sup> April 2021) have been carried out. The site is comprised mainly of the hard-standing and man-made habitats associated with the current buildings located at the site. The habitats within the site of the proposed development are generally of little or no ecological value, with some potential habitat for small mammals along the eastern and western boundaries. Limited bird species were recorded during the site visit. A bat survey recorded no bats / bat activity, noting that the site is of low suitability. Impacts on aquatic species are unlikely given the lack of suitable habitats on the site or its immediate vicinity. Some species may occur downstream in the Santry river. No rare or protected flora were identified within the site of the proposed development during surveys. No high impact invasive plant species were recorded at the site.

Observers raised concerns that the surveys included are those lodged under the previous application and are outdated. I have reviewed the information and note that the survey were carried out within the last 2 years and consider this acceptable given the context of the site.

#### Likely Construction Effects

##### On Designated Sites:

A separate Appropriate Assessment Screening Report concludes that there are no likely significant effects on any European sites.

- There is potential for surface water run-off containing silt and/or pollutants to have a negative short-term negatively impact on Santry Demesne pNHA and the protected plant species therein.
- The potential for surface water to cause significant effects at North Dublin Bay pNHA is described as negligible due to separation distance and potential for effect of dilution in the Santry River and Dublin Bay. Impacts on other pNHA's are ruled out due to separation distance, marine buffer or absence of hydrological or alternative pathway.

##### On Habitats and Flora:

A separate Arborist report has been prepared and submitted.

- Clearance of sections of boundary hedgerow will have slight negative impacts due to loss of habitat connectivity and breeding bird habitat.
- There will be short-term slight impact from loss of sections of Dry meadows and Grassy Verges / Recolonising bare ground which act as 'biodiversity islands'.

- There is a potential negative short-term, moderate impact on the Santry River during construction via surface water run-off containing silt and/or pollutant. On Fauna
- Local impact on small mammals may arise due to loss of hedgerows and entrapment and injury or death during construction.
- Noise and dust generation has the potential to cause negative, short-term, moderate disturbance impacts.
- Short-term noise and vibration disturbance of breeding birds. Given the low levels of bird activity, impacts in this regard would be low.
- Temporary disturbance from increased lighting.
- Surface water discharge could result in negative, short-term moderate impact on fish and otters using the Santry river.
- Negligible impact due to loss of bat habitat for roosting, foraging and commuting.
- Hedgerow clearance during the nesting season would represent a potential significant impact on breeding birds.

#### Operational Effects:

- Negative impacts on pNHAs and to the Santry River or on Otter occurring in the river, are not anticipated due to the surface water management measures.
- Landscaping and planting design will have a positive impact on overall habitat quality and fauna in the area.
- Increased lighting will have a slight negative impact locally. The overall impact on bat species is negligible and potential for bird collision is not considered to be significant.
- No significant effects on bird species or fish are anticipated.

#### Mitigation Measures

- The potential for surface water generated at the site of the proposed development to reach Dublin Bay and cause significant effects is negligible due to, the downstream distance (over 6 river km) and consequent potential for dilution in the Santry River and Dublin Bay. Any potential surface water containing sediments, silts and/or pollutants would become diluted to non-discernible levels.
- General protection of water quality measures listed in section 5.6.1 of the EIAR will act to reduce the likelihood of any potential impact on aquatic species and water quality within the waterbodies in the immediate vicinity of the proposed development, specifically the Santry River, during the Construction Phase of the proposed development.
- All wastewater generated on-site during the Construction Phase will be stored and disposed of appropriately by discharge to foul sewer or by tankering off site. Under no circumstances will any untreated wastewater generated onsite (from equipment washing, road sweeping etc.) be released into nearby drains or watercourses.

- It is considered that there will be some loss of Hedgerows (WL1) and mosaics of Recolonising bare ground (ED3) and Dry meadows and grassy verges (GS2). To compensate for the loss of natural habitats at the site, tree and hedgerow planting consisting of native, pollinator friendly tree/shrub species will be carried out within and around the perimeter of the Site. The planting of native flora will improve local biodiversity and increase insect abundance. This will provide additional foraging/roosting habitat for mammals and birds at the site and improve the biodiversity value of the site in comparison to its current state.
- The loss of the hedgerow vegetation from the site to facilitate the proposed development is to be mitigated against with the planting of new trees, shrubs and hedge planting within the completed landscaped development. Tree planting will consist of native tree species such as Oak, Alder, Downy Birch and hazel where possible. The current treeline along the western and eastern boundary will also be protected and retained. It is concluded that the proposed development will thus have a positive impact on the habitat make-up at the site, and therefore no additional mitigation is necessary. General mitigation measures for all fauna will see the reduction of noise impacts and dust related impacts on site.
- during the Construction Phase of the proposed development Hedgehogs have the potential to be significantly impacted through the loss of suitable hibernation and nest sites in the form of piles of dead wood, vegetation and leaves. This can be mitigated through the careful removal of any dead wood/leaves on site to another part of the site where they will not be affected. Woody debris from the proposed clearance of vegetative areas on site can also be left in this out-of-the way location as compensatory Hedgehog habitat during the Construction Phase.
- Hedgehog and Pygmy Shrew have the potential to be impacted locally by the proposed development through the loss of a small quantity of suitable hedgerow habitat across the site during the Construction Phase. The potential habitat for hedgehog and pygmy shrew on site is small in scale and restricted by the current buildings and hard standing areas. The landscape design for the proposed development includes the planting of meadows, hedgerows, treelines, groundcover and herbaceous planting. This will create a significant increase in habitats with biodiversity potential within the site boundary and result in an overall improvement in terms of habitat potential for the aforementioned species.
- As best-practice, all construction-related rubbish on site e.g., plastic sheeting, netting etc. should be kept in a designated area on site and kept off ground level so as to protect Hedgehogs from entrapment and death. The above measures will also act to mitigate potential negative impacts on other small mammal species potentially found on site e.g., Pygmy Shrew.

- There was no bat activity onsite during the survey in April 2021 despite the ambient weather conditions on the night, no trees with bat potential were identified on site. Although this site is not considered of importance to Bats, due to the proximity of Santry Demesne park north of the site there is some small potential for bats to utilise the site. Hedgerows and treelines form a major component for the commuting routes for bats as well as important feeding sites. The treeline along the western and eastern boundary of the site will remain intact, the hedgerow along the site boundary will likely be removed due to the proposed works.
- Any clearance of vegetation should be carried out outside the main breeding season, i.e., 1st March to 31st August, in compliance with the Wildlife Act 2000. Should any vegetation removal be required during this period, this vegetation should be checked for birds, and if any are noted during this evaluation prior to removal, a derogation licence is required from the NPWS. This would note the section of habitat that is a nest site, the precise location within the hedgerow/trees, the species of bird present; and also elaborate the means by which the birds would be protected prior to nest removal. If eggs have been laid, the nest should be protected until the young have fledged after which time the nest could be de-stroyed (under licence from the NPWS only). This would also require further compensatory measures including nesting sites for birds if practicable.
- The preferred period for vegetation clearance is within the months of September and October. Vegetation should be removed in sections working in a consisted direction to prevent entrapment of protected fauna potentially present (e.g., Hedgehog). Vegetation clearance should take place under the supervision of an ecologist to avoid any potential impact on bats, breeding birds or mammals. Where this seasonal restriction cannot be observed, a check for active roosts and nests will be carried out immediately prior to any site clearance by an appropriately qualified ecologist / ornithologist and repeated as required to ensure compliance with legislative requirements.
- To avoid the introduction of invasive species to the proposed development site.
  - Any material required on the site will be sourced from a stock that has been screened for the presence of any invasive species by a suitably qualified ecologist and where it is confirmed that none are present.
  - All machinery will be thoroughly cleaned and disinfected prior to arrival on site to prevent the spread of invasive species.
- Soft landscaping will be managed in such a way as to promote pollinators (e.g., pollinator friendly mowing regime, planting of native wildflower meadows and native tree species).
- Trees along the site boundary will be retained and protected in accordance with BS 5837:2012.
- Install a series of 5+ bat boxes on trees around the site during the operational phase to provide future roosting opportunities for bats.

Other proposed developments considered for possible cumulative effects include development at Northwood Avenue (ABP Ref: ABP- 306075), Santry Place (2713/17 and Ref 2737/19) and the former Swiss Cottage site (Ref 4211/15). No significant cumulative effects are identified in the EIAR.

Having regard to the brownfield nature of the subject site and now completed state of the adjacent development sites, significant cumulative effects are not considered likely. No significant negative residual impacts on the local ecology or on any designated nature conservation sites are anticipated. I have considered all of the application documentation and submissions received, and I am satisfied that impacts that are predicted to arise in relation to Biodiversity would be avoided, managed and mitigated by the measures which form part of the proposed scheme. I am satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative impacts in terms of Biodiversity. Overall, I concur with the conclusions of the EIAR with respect to Biodiversity.

## **Chapter 6: Land, Soil and Geology**

It is anticipated that the main construction activity impacting soils and geology will comprise the excavation of existing subsoil layers will be required in order to allow for basement excavation, drainage and utility installation and provision of underground attenuation of surface water. Underlying subsoil layers are expected to be generally suitable for reuse as non-structural fill.

Materials imported to site will be natural stones sourced from locally available quarries in accordance with the appropriate statutory guidelines, greenfield/inert soil imported under a Waste Permit issued by the local authority; or materials that have been approved as by-products by the EPA in accordance with the EPA's criteria for determining a material is a by-product, per the provisions of article 27(1) of the European Communities (Waste Directive) Regulations, 2011. Imported materials will be granular in nature and used in the construction of road pavement foundations, drainage and utility bedding and surrounds. Imported fill may be required to raise the development to the required level for drainage.

Any excavations associated with development of the site are expected to be moderate. The drainage infrastructure will require excavations of approximately 2.0m on average with 3.0m in the deepest sections. A basement is proposed for under blocks Blocks A, B, C, D, E & F and expected to be in the region of approximately 3m. It is possible that underlying geology may be disturbed in areas of deep excavation, this will be verified by site investigation works following the receipt of planning permission.

Once the construction stage is complete and the development is in-situ and operational, the geology beneath the proposed site will remain unchanged. Subsoil will either be covered by surface hardstanding, building footprint or landscaped areas.

There will be no direct discharges to soil or groundwater during the operational phase of the proposed development. Foul effluent and surface water will be discharged to the Irish Water sewer and Dublin City Council surface water drainage network following the required treatment measures.

#### Likely Effects:

- The EIAR reports no known areas of soil contamination on the site. Buildings to be demolished may contain hazardous material.
- There is potential for erosion and generation of sediment-laden runoff during construction as well as dust generation during dry weather.
- While the underlying aquifer is of low vulnerability, excavation works may temporarily increase vulnerability and there is a risk of accidental pollution from spills and leaks during construction.
- Potential impacts on human health arise due to dust emissions and potential construction accidents & disasters involving soils.
- At operational stage, there is potential for accidental loss / spill of fuels or other contaminants to the underlying soil and groundwater.

#### Mitigation Measures

- Implementation of the Construction & Environmental Management Plan (CEMP), including measures to prevent spillages to ground and a dust management plan.
- Implementation of a construction traffic management plan.
- Capture and treatment of sediment laden surface water runoff.
- Removal of any hazardous material identified during demolition by specialist contractors following the correct procedures.
- Management of excavations and stockpiles / material storage.
- Imported fill to be clean and of reputable origin.
- Operational surface water management including use of interceptors.

#### Monitoring

- Adherence to the CEMP and monitoring of construction works and stockpile management.
- Inspection of fuel / oil storage areas.
- Monitoring cleanliness of adjacent road network, implementation of dust suppression and provision of vehicle wheel wash facilities.
- Monitoring of sediment control measures.
- Dust monitoring. No significant residual impacts at operational stage are likely.

- No mitigation measures are proposed in relation to the geological environment.

Due to the lack of significant residual impacts, the EIAR does not identify significant cumulative impacts.

I have considered all of the application documentation and submissions received, and I am satisfied that impacts that are predicted to arise in relation to Land, Soils and Geology would be avoided, managed and mitigated by the measures which form part of the proposed scheme. I am satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative impacts in terms of Land, Soils and Geology. Overall, I concur with the conclusions of the EIAR with respect to Land, Soils and Geology.

## **Chapter 7: Water**

The aquifer at the subject site as “Locally Important Aquifer – Bedrock which is Generally Moderately Productive in Local Zones”. There is also a gravel aquifer overlaying the bedrock, which is classified as “Locally important gravel aquifer”. The site’s groundwater vulnerability is classified as low across the site. The primary hydrological feature in the vicinity of the site is the Santry River (c 700m south of the site). Excavations of the basement of the neighbouring development to depths of 4m encountered no ground water. The site slopes from south-west to north-east towards Santry Avenue at a gradient of approximately 1 in 150. A Site Specific Flood Risk Assessment of the proposed development has been carried and is submitted as a separate document to the EIAR, however, it confirms that it was determined that the site is within Flood Zone C.

### **Likely Effects**

#### **Construction effects:**

- Silt laden or contaminated surface water runoff, or discharge from excavations and vehicle wheelwash facilities, reaching water bodies.
- Spillages including fuels and oils or concrete runoff contaminating the surrounding surface water and hydrogeological environments.
- Improper drainage or connections from the construction compound impacting on hydrology or water supplies.

#### **Operational Effects:**

- Accidental hydrocarbon leaks and subsequent discharge into piped surface water drainage network (e.g. along roads and in driveway areas).
- Reduced ground water recharge due to increased impermeable surface area and potentially increased surface water runoff.
- Increased discharge to foul drainage network and potable water consumption.

#### **Mitigation: Construction**

- Implementation of a site-specific Construction Environmental Management Plan.
- Surface water management, including the capture and treatment of contaminated / sediment laden runoff prior to discharge at a controlled rate.
- Planning of site stripping and excavations to take account of weather conditions.
- Siting and management of contaminating materials and refuelling activities.
- Concrete batching and wash out of concrete trucks off site.
- Provision of construction staff welfare facilities and management of foul drainage and potable water supply.

#### Operational

- Extent of existing hard surface / standing across the site.
- Attenuation of surface water run-off to greenfield rates and implementation of a SUDS strategy with an allowance for climate change, reducing peak discharge.
- SUDS measures will improve overall storm water quality prior to discharge. • Site levels to avoid concentrating surface water flow in any particular location and design of overland flow paths for exceedance events.
- A maintenance contract for the attenuation system, Hydrobrake and by-pass fuel / oil separator.

#### Monitoring

- Adherence to Construction Environmental Management Plan, including inspection of fuel / oil storage areas, monitoring of adjacent road network, implementation of dust suppression and vehicle wheel wash facilities.
- Water quality monitoring and monitoring of sediment control at the outfall
- An inspection and maintenance contract for the proposed fuel / oil separators, hydrobrakes, SuDS and attenuation facilities. No significant cumulative impacts on surface water infrastructure or potable water infrastructure are anticipated. No significant residual impacts are predicted.

I have considered all of the application documentation and submissions received, and I am satisfied that impacts that are predicted to arise in relation to Water would be avoided, managed and mitigated by the measures which form part of the proposed scheme. I am satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative impacts in terms of Water. Overall, I concur with the conclusions of the EIAR with respect to Water.

## Chapter 8 Air Quality and Climate

In terms of “Air Quality”, the construction phase of the development has the potential to generate short term intermittent fugitive dust emissions during ground preparation and enabling works, however, these emissions will be controlled by appropriate mitigation techniques and through the implementation of a construction phase air quality management and monitoring plan throughout the duration of the construction phase.

In terms of “Climate”, there is the potential for a number of greenhouse gas emissions to atmosphere during the construction of the development. Construction vehicles, generators etc., may give rise to CO<sub>2</sub> and N<sub>2</sub>O emissions.

Observers raised concerns relating to air pollution from the construction phase which I have addressed and aviation fumes due to the height of the structures.

#### Likely Effects:

##### Construction

- Dust emissions, PM<sub>10</sub>/PM<sub>2.5</sub>, and potential nuisance dust, with potential shortterm, negative effects on nearby sensitive receptors and human health.
- Emissions from construction traffic may also impact on air quality in the shortterm. In the context of the adjoining road network the impact is not regarded as significant.
- Potential impacts on climate from construction traffic and emissions from plant generators etc.

##### Operational

- Average NO<sub>2</sub> and PM<sub>10</sub> concentrations in opening year and 2037 are predicted to be below limit values, with negligible increases over baseline levels.
- The impact on local ambient air quality is described as long-term, negative and imperceptible.
- The effect on Santry Demesne pNHA in terms of NO<sub>x</sub> concentrations and NO<sub>2</sub> dry deposition rate is described as negative, long-term and imperceptible.
- A flood risk assessment concludes that impacts will be negligible
- Operational greenhouse gas emissions will have imperceptible climate impacts.
- Modelling of traffic emissions indicates that levels of all pollutants fall below the ambient air quality standards set for the protection of human health.

#### Mitigation:

Mitigation measures in relation to Air Quality are:

- Prior to demolition blocks should be soft striped inside buildings (retaining walls and windows in the rest of the building where possible, to provide a screen against dust). During the demolition process, water suppression should be used, preferably with a hand-held spray. Only the use of cutting, grinding or sawing equipment fitted or used in conjunction with a suitable dust suppression technique such as water sprays/local extraction should be used.
- Drop heights from conveyors, loading shovels, hoppers and other loading equipment should be minimised, if necessary fine water sprays should be employed.
- Hard surface roads will be swept to remove mud and aggregate materials from their surface while any un-surfaced roads will be restricted to essential site traffic.
- Any road that has the potential to give rise to fugitive dust will be regularly watered, as appropriate, during dry and/or windy conditions.
- Vehicles exiting the site shall make use of a wheel wash facility where appropriate, prior to entering onto public roads.
- Vehicles using site roads will have their speed restricted, and this speed restriction will be enforced rigidly. On any un-surfaced site road, this will be 20 kph, and on hard surfaced roads as site management dictates.
- Public roads and footpaths outside the site will be regularly inspected for cleanliness and cleaned as necessary. If sweeping using a road sweeper is not possible due to the nature of the surrounding area then a suitable smaller scale street cleaning vacuum will be used.
- Material handling systems and site stockpiling of materials will be designed and laid out to minimise exposure to wind. Water misting or sprays will be used as required if particularly dusty activities are necessary during dry or windy periods.
- During movement of materials both on and off-site, trucks will be stringently covered with tarpaulin at all times. Before entrance onto public roads, trucks will be adequately inspected to ensure no potential for dust emissions.
- Hoarding or screens shall be erected around works areas to reduce visual impact. This will also have an added benefit of preventing larger particles of dust from travelling off-site and impacting receptors. At all times, these procedures will be strictly monitored and assessed. In the event of dust nuisance occurring outside the site boundary, movements of materials likely to raise dust would be curtailed and satisfactory procedures implemented to rectify the problem before the resumption of construction operations.

Mitigation measures in relation to Climate are:

Construction stage traffic and embodied energy of construction materials are expected to be the dominant source of greenhouse gas emissions as a result of the construction phase of the development. Construction vehicles, generators etc., may give rise to some CO<sub>2</sub> and N<sub>2</sub>O emissions. However, due to short-term nature of these works, the impact on climate will not be significant.

The EIAR refers to potential cumulative dust related construction with other developments within 350m. Subject to the identified mitigation measures, significant cumulative dust impacts are not predicted.

Due to the short-term duration of construction and low potential for significant CO<sub>2</sub> and N<sub>2</sub>O emissions, no significant cumulative impacts are predicted. The cumulative traffic impact on air quality and climate with existing and permitted developments is predicted to be long-term, negative and imperceptible.

No significant Air quality or Climatic impacts are predicted. Compliance with EU ambient air quality legislative limit values, based on the protection of human health, will ensure that the no significant construction impacts on human health are likely.

Monitoring of construction dust deposition along the site boundary to nearby sensitive receptors during the construction phase.

I have considered all of the application documentation and submissions received, and I am satisfied that impacts that are predicted to arise in relation to Air Quality and Climate would be avoided, managed and mitigated by the measures which form part of the proposed scheme. I am satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative impacts in terms of Air Quality and Climate. Overall, I concur with the conclusions of the EIAR with respect to Air Quality and Climate.

## **Chapter 9: Noise**

This chapter provides an assessment of the likely noise and vibration impacts associated with the proposed development

Baseline noise monitoring has been undertaken across the development site to determine the range of noise levels at varying locations across the site. Noise surveys were carried out in July 2020 and August 2020 (unattended) . It is advised that initial site investigations indicate that piled foundations will not be required. Based on the baseline noise, appropriate Construction Noise Threshold (CNT) values at sensitive receptors are identified.

Likely impacts identified include:

- At Santry Place, 25m south of major construction areas and at the existing dwelling, 35m from major construction areas, it is expected that there will be a negative, moderate to significant and short-term impact, without mitigation.

- Across the Swords Road, 35m east of areas of major construction, it is expected that there will be a negative, moderate and short-term impact without mitigation.
  - Predicted noise levels at the commercial units to the west of the site are below the relevant threshold values and a significant impact is not predicted.
  - At greater distances, predicted construction noise levels are lower, therefore any impact is expected to be negative, moderate and short-term.
  - The predicted noise level associated with construction traffic is below the construction noise threshold and the prevailing noise levels on adjoining roads, resulting in a slight negative and short-term impact.
  - Vibration levels at the closest neighbouring buildings are predicted to be below the reference limit values but with potential to emit perceptible vibration levels.
  - Operational plant will be designed and controlled to avoid adverse effects on sensitive receptors, including dwellings within the development.
  - Operational traffic will have negligible impacts on the noise environment.
- Inward noise:
- Predicted noise levels within the site are higher along the regional road frontages due to the impact of road traffic noise.
  - External noise levels within the majority of communal open spaces are within the recommended range of noise levels.
  - In terms of aircraft noise, the location in aircraft noise Zone D does not create potential for noise impacts as the predicted worst case aircraft noise levels are below prevailing traffic dominated noise levels across the site.

#### Mitigation:

- Adherence to relevant standards for control of noise and vibration on construction sites.
- Noise control measures include the timing and phasing of works, selection of quiet plant, enclosure and screening of noise sources, construction working hours.
- Construction site hoarding of sufficient density to provide adequate sound insulation.
- Noise monitoring in accordance with ISO standards, at the nearest noise sensitive locations to check compliance with the construction noise criterion.
- Identified building facades will be provided with glazing and ventilation that achieves the minimum sound insulation performance requirements.

Construction noise and vibration will have a negative, moderate to significant and short-term impact on the surrounding environment. Operational impacts on nearby sensitive receptors are long-term imperceptible.

The EIAR refers to possible cumulative impacts with concurrent activity with the adjoining development site to the south. Potential cumulative operational traffic impacts are not regarded as significant. Any future large-scale projects not yet proposed or permitted would also be the subject to assessment to ensure that no significant noise and vibration impacts occur.

I have considered all of the application documentation and submissions received, and I am satisfied that impacts that are predicted to arise in relation to Noise would be avoided, managed and mitigated by the measures which form part of the proposed scheme. I am satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative impacts in terms of Noise. Overall, I concur with the conclusions of the EIAR with respect to Noise.

### **Chapter 10: Material Assets: Built Services**

This chapter assesses and evaluates the likely impact of the proposed development on existing surface water and foul drainage, and utility services in the vicinity of the site during both the construction and operational phases, as well as identifying the nature of any impacts and provide the necessary mitigation measures arising from the proposed development. The material assets considered include Surface Water Drainage, Foul Drainage, Water Supply, Power, Gas and Telecommunications.

#### **Likely Effects:**

- Connection to utilities, including gas networks and telecoms, may result in temporary interruption of services. Such impacts would be temporary negligible.
- Accidental hydrocarbon leaks and discharge to surface water drainage network.
- Reduced local ground water recharge and potentially increased run-off.
- Increased discharge to foul drainage and increased potable water consumption.
- Increased demands on power and telecommunications networks.

#### **Mitigation**

- Mitigation measures proposed in relation to the drainage and water infrastructure include:
- A detailed "Construction Management Plan" will be developed and implemented during the construction phase. Site inductions will include reference to the procedures and best practices as outlined in the "Construction Management Plan". The construction works contractor shall liaise with the relevant utility providers prior to works commencing, with on-going consultation throughout the proposed development. Where new services are required, the construction works contractor shall apply to the relevant utility provider and adhere to the requirements outlined in the connection permit / licence.

- The Contractor will be obliged to put measures in place to ensure that there are no interruptions to existing services unless this has been agreed in advance with the relevant service provider.
- All works in the vicinity of utilities apparatus will be carried out in ongoing consultation with the relevant utility company or local authority and will be in compliance with any requirements or guidelines they may have.
- Where new services or diversions to existing services are proposed, the Contractor will apply to the relevant utility company for a connection permit, where appropriate, and will adhere to their requirements. Where possible, backup network supply to any services will be provided should the need for relocation or diversion of existing services be required. Otherwise, relocation or diversion works will be planned to incur minimal impact, with users notified in advance of any works.
- Connections to the utility networks will be coordinated with the relevant utility provider and carried out by approved contractors.

For the operational stage of the proposed development:

Chapter 7 of this EIA “Water” sets out in detail for mitigation measures associated with the surface water treatment. All new drainage lines (foul and surface water) will be pressure tested and will be subject to a CCTV survey to identify any possible defects prior to being made operational.

Chapter 7 includes the mitigation measures associated with the surface water system for the development.

Water conservation methods such as the use of low flush toilets and low flow taps should be incorporated into dwellings to reduce water volumes and related treatment and abstraction costs of the development.

A number of different SuDS measures are proposed to minimise the impact on water quality and quantity of the runoff and maximise the amenity and biodiversity opportunities within the site.

The measures have been designed to take account of potential percolation but have not been incorporated into any storage calculations. This will result in additional storage being available in extreme events.

The proposed SuDS measures will include a combination of Source Control, Site Control and Regional Control measures as part of a Management Train whereby the surface water is managed locally in small sub-catchments rather than being conveyed to and managed in large systems further down the catchment. The combination of SuDS measures will maximise the potential for surface water interception, reducing the impact on the existing surface water drainage network.

The proposed techniques will offer a high level of treatment processes and nutrient removal of the runoff, particularly during the “first flush”.

There will be increased demand on power and telecommunications supplies. The use of sustainable urban drainage features will improve overall storm water quality prior to ultimate discharge.

I have considered all of the application documentation and submissions received, and I am satisfied that impacts that are predicted to arise in relation to Material Assets, Built Services would be avoided, managed and mitigated by the measures which form part of the proposed scheme. I am satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative impacts in terms of Material Assets, Built Services. Overall, I concur with the conclusions of the EIAR with respect to Material Assets, Built Services.

## **Chapter 11: Material Assets: Transportation**

This chapter assesses and evaluates the likely impact of the proposed development on the existing transportation system in the vicinity of the site, as well as identifying proposed mitigation measures to minimise any identified impacts arising from the mixed-use development at the site.

### **Likely Effects:**

- Construction activity and employee movements will impact on the surrounding road network over the phased construction period of approx. 24 months.
- Peak HGV movements will be generated during initial site clearance and basement excavation.
- Additional vehicle movements and public transport demands at operational stage.
- It is assumed that the non-residential uses will not give rise to material levels of additional traffic.
- The impact on adjacent junctions in future design years is not predicted to be significant.

### **Mitigation:**

- The brownfield nature of the lands and existing operational traffic generation.
- Implementation of an agreed Construction Traffic Management Plan and the management and dispersion of construction trips over the course of the day.
- On-site construction parking to prevent over-spill on adjoining roads.
- Location in a serviced urban area proximate to existing and proposed public transport services.
- Implementation of a Mobility Management Plan to encourage sustainable travel practices.
- A Car Parking Management Strategy and provision of car share spaces.
- Provision of secure cycle parking.
- Provision of dedicated pedestrian footpaths and cycle paths.

### **Monitoring:**

- Compliance with the measures identified in the CMP.

- Bi-annual post occupancy surveys in order to determine the success of the measures and initiatives as set out in the proposed MMP document.
- Cumulative effects Cumulative effects with adjoining committed developments were considered in the assessment of traffic impacts.

No significant residual effects are predicted. The Do-nothing scenario is referenced in the EIAR in terms of the existing environment at this location, however, this scenario also potentially results in development occurring further from the existing built-up area, contributing to sprawl and more unsustainable transport movements.

I have considered all of the application documentation and submissions received, and I am satisfied that impacts that are predicted to arise in relation to Material Assets, Transportation would be avoided, managed and mitigated by the measures which form part of the proposed scheme. I am satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative impacts in terms of Material Assets, Transportation. Overall, I concur with the conclusions of the EIAR with respect to Material Assets, Transportation.

## **Chapter 12: Material Assets: Resource and Waste Management**

This chapter addresses the resource and waste management impacts associated with the proposed development. This assessment covers potential impacts from the construction phase as well as the operational phase of the development. The principle objective of sustainable resource and waste management procedures is to ensure efficient consumption of resources, to promote the minimisation of waste generation and, where this is not possible, to encourage reuse, recycling and recovery of waste to minimise the quantity of waste requiring disposal.

### **Likely Effects**

- Short-term, significant and negative effects from the generation of non-hazardous and hazardous waste materials during demolition, excavation and construction, requiring management.
- Excavated materials will be removed for reuse / disposal off-site.
- The use of non-permitted waste contractors or unauthorised waste facilities would be likely to give rise to long-term, significant and negative impacts.
- Improper operational waste storage and management has the potential to give rise to significant negative health and litter impacts.

### **Mitigation:**

- Adherence to an agreed C&DWMP, including on-site management of waste.
- Correct classification and documentation of materials to be removed off site.
- There is currently sufficient authorised capacity in the region for the likely C&D waste arising.
- Implementation of the Operational Waste Management Plan which provides a strategy for segregation, storage and collection of all wastes generated.

Monitoring:

- The Operator / Buildings Manager will be responsible for monitoring of waste management to ensure compliance with the WMP and statutory requirements.
- 

Cumulative effects with other developments in the area will be short-term, not significant. An increased density of development in the area is likely improve the efficiencies of operational waste. No significant residual effects are considered likely.

I have considered all of the application documentation and submissions received, and I am satisfied that impacts that are predicted to arise in relation to Material Assets, Resource and Waste Management would be avoided, managed and mitigated by the measures which form part of the proposed scheme. I am satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative impacts in terms of Material Assets, Resource and Waste Management. Overall, I concur with the conclusions of the EIAR with respect to Material Assets, Resource and Waste Management.

### **Chapter 13 Archaeology and Cultural Heritage**

This chapter assesses the impact of the development on the Cultural Heritage of the site and its environs. The report includes a desktop assessment and a site inspection (18<sup>th</sup> March 2021). The desktop section was compiled using the Records of Monuments and Places; buildings of Ireland, historic maps; aerial photographs; place names and historic books and journals.

The western portion of the proposed development is of low archaeological potential. The eastern portion of the proposed development has a moderate archaeological potential. This is due to it fronting onto the Swords Road and proximity to the medieval boundaries and drainage channels uncovered on the opposite site of the road to the south of St Pappan's Church in 2003, along with its closer proximity to the ecclesiastic foundation itself. The location of the existing building, set back from the road frontage, increases the likelihood that any belowground archaeological features located within this part of the site would survive. No archaeological remains were identified fronting onto the Swords Road monitoring works for the site to the south (Santry Place) in 2019 and that the area is depicted as agricultural fields throughout the post-medieval period.

#### **Likely Effects**

- The development will not impact directly or indirectly upon any previously recorded site or monument listed in the RMP or the RPS.
- The eastern part of the site has a moderate archaeological potential. No archaeological remains were identified in the monitoring works for the site to the south in 2019.
- Potential significant impact on previously unidentified subsurface archaeological remains that may survive on the site.

The EIAR does not consider potential impacts on the architectural character or setting of St. Pappan's Church. The church and holy well are protected structures, and within a Conservation Area, The church and graveyard monuments are identified in the NIAH as being of Regional Significance. However, having regard to the location of the application site relative to this structure and the nature of existing buildings adjoining the site of the church, I do not consider that significant effects on its character or setting would arise in this regard.

Existing structures on site include a low-rise modernist industrial building on the application site, which is not a protected structure and note the report and recommendation of the Dublin City Council Conservation Officer in relation thereto. The structure is of interest and its removal will have a permanent negative effect on architectural heritage, however, I consider the recommendation of the planning authority to create a record of the building to be a reasonable measure to mitigate its removal.

#### Mitigation

- Archaeological monitoring during the removal of the concrete layer on the site.
- Any features encountered during the monitoring programme should be tested, and if archaeological, fully excavated by hand to preserve them by record.
- Allow time between the monitoring works and any construction or service laying. If significant archaeology is uncovered a revised mitigation plan may be agreed with the City Archaeologist and National Monuments Service.
- Submit a report on the monitoring programme to the City Archaeologist and National Monuments Service.
- Preparation of an Architectural Heritage Assessment and record of the existing mid-20th c structures on the site.

I have considered all of the application documentation and submissions received, and I am satisfied that the impacts predicted to arise in relation to Archaeology and Cultural Heritage would be avoided, managed and mitigated by the measures which form part of the proposed scheme. I am satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative impacts in terms of Archaeology and Cultural Heritage. Overall, I concur with the conclusions of the EIAR with respect to Archaeology and Cultural Heritage.

#### **Chapter 14 Landscape**

This chapter contained a Landscape and Visual Impact Assessment (LVIA) which describes the existing receiving environment, contiguous landscape and the methodology utilised to assess the impacts. It assesses the visual extent of the proposed development and its visual effects on key views throughout the study area. It describes the landscape character of the application site and hinterland, together with the visibility of the site from significant viewpoints in the locality. The report summarises the impact of the proposed development on the visual and landscape amenity of the application site and contiguous area.

The application site is located on the lands which previously operated as a large scale hardware and building supplies outlet (Chadwicks, formerly Heiton Buckley) in Santry, Dublin. The site is located at the south west junction of Swords Road (north-south, R132) and Santry Avenue (east-west, R104), approximately 400m due west of the Coolock/Santry junction of the M50 motorway.

The site is located immediately south of Santry Demesne Park, a regional park owned and managed by Fingal County Council, and separated from the site by Santry Avenue. A private lane forms the western boundary and separates the site from the IDA industrial estate to the west. A new mixed-use development is being constructed to the south. The eastern boundary is formed by a row of trees which edge the Swords Road. Commercial units line the Swords Road to the east of the site.

The site is dominated by 1 no. double-height, large scale building, punctuated with loading bays. Car parking, vehicle access zones and external storage bays occupy the space between the building and the site boundary. A low brick wall, topped with steel railing exists on the northern, western and eastern boundary of the site, while a metal palisade fence runs along the full length of the southern boundary. A small number of shrubs planted in planters on the northern boundary and a small number of trees, planted at the north-western boundary appear to be the only vegetation within the site and constitute little value due to their size and condition.

The EIAR describes the sensitivity of the site and receiving environment as medium. There are no protected views or Architectural Conservation Areas (ACAs) relevant to the subject site.

Likely impacts:

- Construction activity and structures will have a negative, moderate and shortterm impact on landscape character and on views. Hedgerow removal will have some minor negative impacts.
- Redevelopment of this industrial site, including a high quality landscaped public realm and permeable amenity spaces, will have a longer-term positive impact.

- The impact on key views are assessed in the EIAR, including a cumulative assessment with permitted developments in the area. The views selected are considered to generally representative of views from the surrounding area. The assessed impact on views concludes that the greatest impacts occur on views from Santry Villas / St. Pappan's looking west, from within Santry Demesne and south along the Swords Road, which are described as moderate negative.. I note that DCC Conservation Officer has not raised any objections to the development in respect of impacts on St. Pappan's Church. The impact on views from Santry Demesne is noted, however, this is not considered to have a significant negative impact, and is not out of character with other existing views on the fringes of, this regional urban park, and reflects the change in the surrounding context.

#### Mitigation

- The brownfield nature of the site and robust nature of the urban environment, and the surrounding pattern of urban redevelopment.
- The zoned nature of the land and the identified need for housing in the region.
- Construction site management and topsoil handling in accordance with BS standards.
- Design and implementation of open space and landscaping proposals including retention of trees and maintenance and replacement of any planting.

There will cumulative impacts with adjoining constructed development in this area, particularly on views along Swords Road from the north and south. The provision of new, connected landscaped open spaces and improvements to the public realm within this and adjoining developments should make a positive contribution to the emerging townscape and biodiversity of the area.

There will be some longer-term positive landscape impacts of redevelopment of this site. Initial negative impacts will reduce as landscaping matures. The proposal will make a significant and positive contribution with adjoining developments, to the emerging townscape and future context of the area. The network of landscaping and open spaces will contribute to the emerging landscape character, habitats and biodiversity, and amenities of the area.

#### Monitoring

- Tree protection works will be subject to supervision and landscape works will be monitored post completion. The site will be monitored for invasive species.

I have considered all of the application documentation and submissions received, and I am satisfied that impacts that are predicted to arise in relation to Landscape would be avoided, managed and mitigated by the measures which form part of the proposed scheme. I am satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative impacts in terms of Landscape. Overall, I concur with the conclusions of the EIAR with respect to Landscape.

### **Identification of Significant Impacts / Interactions**

Chapter 15 sets out detail on the interactions and interdependencies in the existing environment. All of the potential significant effects of the proposed development and the measures proposed to mitigate them have been outlined in the preceding chapters of the EIAR. However, for any development with the potential for significant environmental effects, there is also the potential for interaction amongst these potential significant effects. The result of interactive effects may exacerbate the magnitude of the effects or ameliorate them or have a neutral effect.

The chapter identified the primary interactions as follows:

- Noise, air, waste, water and traffic with population and human health;
- Land and soils with traffic, water, resource management, noise, air and biodiversity;
- Water with biodiversity;
- Waste with biodiversity;
- Cultural heritage and the landscape
- Air quality and climate and traffic.

Having reviewed the EIAR I provide a summary of the principal interactions below:

Population & Human Health	Air Quality	<p>Construction activity has the potential to give rise to dust emissions and impact on air quality.</p> <p>Operational emissions from traffic and plant and equipment will not result in air quality in the region exceeding limit values.</p> <p>No significant operational impacts are predicted</p>
Population & Human Health	Noise	<p>Construction activity may give rise to temporary and intermittent noise and vibration impacts.</p> <p>No significant operational impacts are predicted.</p>
Population & Human Health	Water / Material Assets Built Services	<p>There will be increased demands for potable water supply and for wastewater treatment.</p>
Air Quality & Climate	Land, Soils, Geology	<p>Exposed soil and stockpiles during excavation and construction works may give rise to increased dust emissions.</p>
Water	Land, Soils Geology / Biodiversity	<p>Silt laden and / or contaminated water run-off during excavation and construction has the potential to impact on water quality and biodiversity.</p>

Material Assets – Resource & Waste Management	Water / Biodiversity	<p>Waste has the potential to impact upon biodiversity during the construction phase, by pollution to soils and water and attracting pests / vermin. Mishandling or improper storage of waste has the potential to cause an adverse impact upon water quality through leaching of materials to groundwater or run-off to surface water.</p> <p>Significant operational waste management impacts are not predicted.</p>
Material Assets Resource & Waste Management	Population & Human Health /Landscape & Visual Amenity	<p>Deficiencies in waste management have potential to impact on human beings through nuisance, including litter / visual, odour and pests, and pollution to soils and water.</p>
Air Quality & Climate	Biodiversity	<p>Construction activity can give rise to short-term dust emissions and deposition which may cause local nuisance and disturbance to fauna. Short-term impacts from deposition and as a result of NOx emissions may impact on trees / flora.</p> <p>Proposed vegetation and planting on the site could mitigate operational carbon dioxide emissions.</p>
Air Quality & Climate	Water	<p>Potential dust emissions and deposition could impact on water quality</p>

Noise	Biodiversity	Construction noise emissions may have short-terms disturbance effects on Biodiversity. There will be no significant increase in ambient noise levels arising during the operational phase.
Landscape	Population and Human Health / Cultural Heritage & Archaeology	There will be impacts on the landscape character and on views in the area. No significant impacts on views of protected structures, or their setting.
Landscape	Biodiversity	The development will have a long-term positive effect through the provision of landscaped areas and increased planting and green space
Water	Land, Soils, Geology / Material Assets Waste Management	Surface water runoff during the construction phase may contain contaminants / increased silt levels, particularly during stripping of topsoil / site excavations and exposure of underlying subsoil layers.
Material Assets – Built Services	Water/ Land Soils and Geology	Failure to adequately manage surface water runoff may have an effect on hydrogeology.
Material Assets – Resource & Waste Management	Material Assets – Transportation / Land, Soils and Geology	Waste management and excavation of soil and waste materials for removal off-site will generate traffic movements.

Material Assets – Transportation	Population and Human Health	Construction traffic may give rise to temporary negative impacts due to noise, dust, air quality and visual impacts, and congestion / inconvenience. Significant operational traffic impacts are not predicted.
Material Assets – Transportation	Land, soils and Geology / Air Quality	The transport of construction materials to and from the site will generate traffic on the surrounding road network. Increased traffic movements and transport of materials can impact on air quality.
Land, Soils and Geology	Archaeology and Cultural Heritage	Site excavation has the potential to significantly impact on unrecorded features of archaeological interest.

#### Other Impacts:

#### Direct and Indirect Effects Resulting from the Use of Natural Resources:

Schedule 6 Item 2 (c) of the Planning and Development Regulations, 2001 - 2015 requires that an EIAR contains a description of the likely significant effects (including direct, indirect, secondary, cumulative, short, medium and long-term, permanent and temporary, positive and negative) of the proposed development on the environment resulting from the use of natural resources. No likely significant effects (including direct, indirect, secondary, cumulative, short, medium and long term, permanent and temporary, positive and negative) of the proposed development on the environment are expected to arise from the use of natural

#### Direct and Indirect Effects Resulting from Emission of Pollutants, Creation of Nuisances and Elimination of Waste:

Schedule 6 Item 2 (c) of the Planning and Development Regulations, 2001 - 2015 requires that an EIAR contains a description of the likely significant effects (including direct, indirect, secondary, cumulative, short, medium and long-term, permanent and temporary, positive and negative) of the proposed development on the environment resulting from the emission of pollutants, the creation of nuisances and the elimination of waste. No likely significant effects on the environment are expected to arise from the emission of pollutants, the creation of nuisances or the elimination of waste.

In addition, the following points are noted in the EIAR:

- No likely significant effects on the environment are expected to arise from the use of natural resources or from the emission of pollutants, the creation of nuisances or the elimination of waste.
- The cumulative impact of the development is categorised as neutral, moderate.
- There are no material or significant environmental issues arising which were not anticipated by the Dublin City Development Plan 2016-2022 and considered in its SEA.

### **Summary of EIA Mitigation and Monitoring Measures**

Chapter 16 contains a summary of all the mitigation and monitoring measures proposed throughout the EIAR document for ease of reference.

### **Reasoned Conclusion on the Significant Effects**

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

Potential for construction activity to give rise to noise impacts on nearby sensitive receptors, which will be mitigated by the following measures:

- The relatively short-term nature of construction activities.
- Implementation of an agreed Construction Management Plan, which shall include a Noise Abatement Plan, and adherence to identified emission limit values.
- Application of Dublin City Council Good Practice Guide for high-risk sites.
- Limiting the hours of construction.
- Noise monitoring at sensitive locations.

Potential impacts on air quality and population & human health from dust emissions at construction stage, which will be mitigated by the following measures:

- Implementation of the Construction Environment Management Plan which shall include a Dust Management Plan and adherence to identified emission limit values, and the Construction and Demolition Waste Management Plan.

- Monitoring of dust deposition levels at nearby sensitive receptors during construction.
- Minimising generation of waste materials. Potential impacts on population and human health from inward noise at operational stage, which will be mitigated by the following measures:
- The achievement of minimum sound insulation performance on identified facades within the proposed development.

Potential significant effects on Landscape and Visual Amenity arising from the redevelopment and change in the use of lands from industrial to commercial and residential use, which will be mitigated by the following measures:

- The brownfield nature of the site within this robust urban environment, and the surrounding pattern of urban redevelopment
- The zoned nature of the land and the identified need for housing in the region.
- Implementation of the Construction Environmental Management Plan.
- The design of the proposed scheme strengthening the urban character of the area, and the provision and landscaping of open spaces and the public realm.

Potential significant effects on land and soil during construction, which will be mitigated by the following measures:

- Implementation of a Construction Environmental Management Plan, incorporating a dust management plan and Construction Traffic Management Plan.
- Implementation of an agreed Construction and Demolition Waste Management Plan.
- Surface water and sediment control measures in accordance with the CEMP.
  - Hazardous material to be identified during demolition of structures and removed following correct procedures.
- Imported fill which will accord with regulatory requirements.
- Potential significant indirect effects on Water and Hydrology and on Biodiversity, which will be mitigated by the following measures:
- Implementation of a site-specific Construction Environment Management Plan, including surface water management to control potential emission of sediment or other contaminants from the site and monitoring of discharge.
- Connection to Irish Water networks on completion of identified upgrade works.
- The design and maintenance of the operational storm water management and attenuation system, including SUDS measures.
- Separation from sensitive water bodies and potential for dilution effects.
- Maintenance of overland storm flow routes free of obstruction.

Potential significant effects on population and human health and on traffic and transportation, which will be mitigated by the following measures:

- Implementation of an agreed Construction Traffic Management Plan.

- The central / accessible location and brownfield nature of the site, served by high frequency public transport services.
- Proposed improvements to public transport services in the area as part of Bus Connects.
- Implementation of an agreed Mobility Management Plan to promote sustainable transport modes.
- Implementation of a Car Parking Management Strategy and provision of dedicated car share spaces.
- Provision of pedestrian and cycle facilities.

Potential significant effects on population and human health arising from the demands of the increased residential community at this location, which will be mitigated by the following measures:

- Proximity to a designated district centre at the Omni Park centre and other services and facilities in this area including Santry Demesne regional park.
- Provision for commercial and community / residential amenity uses within the development.

The EIAR has considered that the main significant direct and indirect effects of the proposed development on the environment would be primarily mitigated by environmental management measures, as appropriate. The assessments provided in the individual EIAR chapters, and in supplementary reports and documents provided by the applicants, are satisfactory. I am satisfied that the information provided enables the likely significant environmental effects arising as a consequence of the proposed development to be satisfactorily identified, described and assessed. I am satisfied that the proposed development would not have any unacceptable direct or indirect effects on the environment.

## 13.0 Appropriate Assessment

### 13.1 Context

An appropriate assessment screening was carried out by the Inspector under ABP 310910-21 and the included the following Screening Determination Statement:

*“On the basis of the information on file, which is considered adequate to undertake a screening determination and having regard to:*

- *the nature and scale of the proposed development on serviced lands,*
- *separation from European sites and the intervening land uses,*
- *the lack of direct connections to European Sites having regard to the Source-Pathway-Receptor model,*

*it is concluded that the proposed development, individually or in-combination with other plans or projects, would not be likely to have a significant effect on North Dublin Bay SAC (000206), North Bull Island SPA (004006), South Dublin Bay and River Tolka Estuary SPA (004024), South Dublin Bay SAC (001266) or any European site, in view of the sites' Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required. In arriving at this conclusion, I have not had regard to any measures which are intended to avoid or reduce the harmful effects of a project on a European site."*

### **13.2 Compliance with Article 6(3) of the Habitats Directive**

The requirements of Article 6(3) as related to screening the need for 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.

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 at the junction of Santry Avenue and Swords Road, a residential development comprising the demolition of existing 4 no. retail/commercial units, community unit, GP Services/Medical suite, residential amenity building 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).

The Appropriate Assessment Screening report submitted with the application concluded that there are no significant impacts on Natura 2000 sites arising from this planned development and that a Natura Impact Statement (NIS) is not required.

John Conway and the Louth Environmental Group raised issue with the inadequacy of the NIS submitted. I draw the Boards attention to the fact that no NIS is included with the application before the Board.

### **13.3 Screening for Appropriate Assessment (Stage 1)**

#### **Description of Development**

The applicant provides a description of the project in the Appropriate Assessment Screening Report. I refer the Board to section 3 of this report.

### **Description of the Site Characteristics**

The applicant provides a description of the project in page in the Appropriate Assessment Screening Report. The site has a stated area of c.1.5ha in Dublin outer suburbs. The site currently contains a builder merchant and associated structures and yard, all of which are to be demolished/removed as part of the proposed development. The site is almost entirely hard paved or under buildings. There are no watercourses on the site and the closest watercourse is Santry River c.700m to the north. There are no European sites in the immediate vicinity of the site.

### **Relevant prescribed bodies consulted:**

The submitted AA Screening report does not identify specific consultations with prescribed bodies but does refer to a desktop review of published documents and information.

The application was referred to the following prescribed bodies: Irish Water, Transport Infrastructure Ireland, National Transport Authority, Irish Aviation Authority and the Dublin Aviation Authority along with Fingal County Council. In response to the referrals, no submissions in relation to appropriate assessment were received from the prescribed bodies.

### **Test of likely significant effects**

The project is not directly connected with or necessary to the management of a European Site and therefore it needs to be determined if the development is likely to have significant effects on a European site(s).

The proposed development is examined in relation to any possible interaction with European sites designated Special Conservation Areas (SAC) and Special Protection Areas (SPA) to assess whether it may give rise to significant effects on any European Site.

Taking account of the characteristics of the proposed development in terms of its location and the scale of works, the following issues are considered for examination in terms of implications for likely significant effects on European sites:

- Habitat loss/ fragmentation/alteration
- Habitat degradation as a result of hydrological impacts.
- Disturbance and displacement impacts on QI/SCI
- Changes in water quality and resource

- Changes in population density.

An AA Screening Report is submitted with the application. No Natura 2000 sites have a direct hydrological connection to the proposed development site. However, potential pathways / connections between the application site and European sites in Dublin Bay are identified via wastewater discharge from Ringsend Wastewater Treatment Plant.

### **Designated sites within Zone of Influence**

There 14 Natura 2000 sites within 15km of the application site and are referred to in the applicant's Appropriate Assessment Screening Report. For completeness I have included a summary of the European Sites that occur within 15km of the site of the proposed development is set out below:

#### **SACs:**

- South Dublin Bay SAC (site code: 000210) c.7km from site.
- North Dublin Bay SAC (site code: 000206) c.5.8km from site.
- Baldoyle Bay SAC (site code: 000199) c.6.9km from site.
- Malahide Estuary SAC (site code 001232) c.7.8km from site.
- Howth Head SAC (site code: 00202) c. 10.2km from site
- Rogerstown Estuary SAC (site code 000208) c.11.7km from site.
- Rockabill to Dalkey Island SAC (site code: 003000) c.10.9km from site.

#### **SPAs:**

- South Dublin Bay & River Tolka SPA (site code: 004024) c.4.1km from site.
- North Bull Island SPA (site code: 004006) c.5.8km from site.
- Baldoyle Bay SPA (site code: 004016) c.7.2km from site.
- Malahide Estuary SPA (site code 004025) c.7.8km from site.
- Ireland's Eye SPA (site code 004117) c.11.5km form site.
- Rogerstown Estuary SPA (site code 004015) c.12.1km from site.
- Howth Head Coast SPA (site code 004113) c. 12.6km from site.

The submitted AA screening report identifies for pre-screening all sites within a 15km radius of the site, however, a number of these sites do not have a connection or pathway to/from the subject site and are therefore not within the extended zone of influence of the site. Four sites in Dublin Bay with qualifying interests, which are potentially linked to the proposed development are identified as being potentially affected by the development arising from drainage from the site, foul, during construction and occupation, which are considered as external outputs from the site that could potentially extend the development's Zol.

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

The application site is not located within or adjacent to any European site. A potential indirect hydrological connection arises in the form of surface water run-off and storm overflows to the Santry River at construction and operational stages. The Santry River discharges to the sea at Clontarf, within the North Dublin Bay SAC and North Bull Island SPA. Beyond these sites, there is a hydrological connection to other European sites, however, these would be at greater remove and subject to further dilution effects within the bay such that significant effects from the proposed development are not considered likely. Similarly, I note that a number of the sites identified above are at a significant remove from the application site and in respect of which there is no pathway or connection which could give rise to significant effects on the conservation objectives of those sites.

The foul sewer water will be connected to an existing public network system. As such there is an indirect connection to the Dublin Bay European sites via the foul networks via Ringsend Wastewater Treatment Plant (WWTP). Using the source-pathway-receptor model, foul waters from the proposed development will ultimately drain to Dublin Bay, located to the east of the proposed development site, and therefore may indirectly have an impact. Therefore, the European sites with qualifying interests, which are potentially linked to the proposed development are South Dublin Bay SAC (site code: 000210), North Dublin Bay SAC (site code: 000206), South Dublin Bay and River Tolka Estuary SPA (site code: 004024) and North Bull Island SPA (site code: 004006).

Given the scale of the proposed development, the lack of a direct hydrological connection, the dilution provided in the estuarine/marine environment and the distances involved other sites in the bay area are excluded from further consideration this screening.

I do not consider that any other European sites fall within the zone of influence of the project based on a combination of factors including the nature and scale of the project, the distance from the site to European sites, and any potential pathways which may exist from the development site to a European site, aided in part by the applicant's Appropriate Assessment Screening Report, the conservation objectives of Natura 2000 sites, the lack of suitable habitat for qualifying interests, as well as by the information on file, including observations made by third parties and I have also visited the site.

European Site Name [Code] and its Qualifying interest(s) / Special Conservation Interest(s) (*Priority Annex I Habitats)	Location Relative to the Proposed Site
<b>SAC:</b>	
<p>South Dublin Bay SAC (site code: 000210).</p> <p>Mudflats and sandflats not covered by seawater at low tide [1140] Annual vegetation of drift lines [1210] Salicornia and other annuals colonising mud and sand [1310] Embryonic shifting dunes [2110] The NPWS has identified a site specific conservation objective to maintain the favourable conservation condition of the Annex I Habitat Mudflats and sandflats not covered by seawater at low tide [1140], as defined by a list of attributes and targets</p> <p>Conservation Objective: To maintain or restore the favourable conservation condition of the Annex 1 habitat(s) and / or the Annex II species for which the SAC has been selected.</p>	c.7km
<p>North Dublin Bay SAC (site code: 000206)</p> <p>Mudflats and sandflats not covered by seawater at low tide [1140] Annual vegetation of drift lines [1210] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows (<i>GlaucoPuccinellietalia maritima</i>) [1330] Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410] Embryonic shifting dunes [2110] Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120] Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] Humid dune slacks [2190] <i>Petalophyllum ralfsii</i> (Petalwort) [1395]</p> <p>Conservation Objective: To maintain or restore the favourable conservation condition of the Annex 1 habitat(s) and / or the Annex II species for which the SAC has been selected.</p>	c.5.8km
<b>SPA:</b>	

<p>South Dublin Bay &amp; River Tolka SPA (site code: 004024).</p> <p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]  Oystercatcher (<i>Haematopus ostralegus</i>) [A130] Ringed Plover (<i>Charadrius hiaticula</i>) [A137] Grey Plover (<i>Pluvialis squatarola</i>) [A141] Knot (<i>Calidris canutus</i>) [A143]  Sanderling (<i>Calidris alba</i>) [A144] Dunlin (<i>Calidris alpina</i>) [A149] Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]  Redshank (<i>Tringa totanus</i>) [A162] Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179] Roseate Tern (<i>Sterna dougallii</i>) [A192] Common Tern (<i>Sterna hirundo</i>) [A193]  Arctic Tern (<i>Sterna paradisaea</i>) [A194] Wetland and Waterbirds [A999]</p> <p>Conservation Objective: To maintain or restore the favourable conservation condition of the Annex 1 habitat(s) and / or the Annex II species for which the SPA has been selected.</p>	<p>c.4.1km</p>
<p>North Bull Island SPA (site code: 004006)</p> <p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]  Shelduck (<i>Tadorna tadorna</i>) [A048] Teal (<i>Anas crecca</i>) [A052] Pintail (<i>Anas acuta</i>) [A054] Shoveler (<i>Anas clypeata</i>) [A056] Oystercatcher (<i>Haematopus ostralegus</i>) [A130] Golden Plover (<i>Pluvialis apricaria</i>) [A140] Grey Plover (<i>Pluvialis squatarola</i>) [A141] Knot (<i>Calidris canutus</i>) [A143] Sanderling (<i>Calidris alba</i>) [A144] Dunlin (<i>Calidris alpina</i>) [A149] Black-tailed Godwit (<i>Limosa limosa</i>) [A156]  Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157] Curlew (<i>Numenius arquata</i>) [A160] Redshank (<i>Tringa totanus</i>) [A162] Turnstone (<i>Arenaria interpres</i>) [A169] Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179] Wetland and Waterbirds [A999]</p> <p>Conservation Objective: To maintain or restore the favourable conservation condition of the Annex 1 habitat(s) and / or the Annex II species for which the SPA has been selected.</p>	<p>c.5.8km</p>

## Potential Effects on Designated Sites

Potential indirect effects on the South Dublin Bay and River Tolka Estuary SPA (Site Code 004024), North Dublin Bay SAC (Site Code 000206), South Dublin Bay SAC (Site Code 000210) and North Bull Island SPA (Site Code 004006), relate to:

- Potential impact from operational wastewater discharges from Ringsend WWTP to Dublin Bay / Liffey Estuary Lower.
- Potential impact from overland flows and surface water discharge.

### **Assessment of Likely Significant Effects on Designated Sites**

The proposed development will not result in any direct loss of habitat within Natura 2000 sites and no potential for habitat fragmentation is identified. Similarly, having regard to separation from European sites, construction or operational activity thereon will not result in any disturbance or displacement of qualifying interests of the identified sites. The habitats within or adjoining the site are not of value for qualifying species of these Natura 2000 sites, which are associated with estuarine shoreline areas or wetlands. The site is dominated by buildings and artificial surfaces, which do not provide suitable roosting or foraging grounds for these species. No ex-situ impacts on qualifying species are therefore considered likely.

The habitats within or adjoining this brownfield site are not of value for qualifying species of the identified Natura 2000 sites, and do not provide suitable roosting or foraging grounds. Surveys of the site were undertaken in May 2021. One Herring Gull was recorded, which species is a qualifying species for Irelands Eye SPA, approx. 15.5km from the site. This is recorded as a flyover rather than use of the site. No significant numbers of such species were recorded. Santry Demesne is approx. 6km from coastal sites and is not recorded as hosting wintering birds which are qualifying species for European Sites. No ex-situ impacts on qualifying species are therefore considered likely. Having regard to the separation distance from European Sites and the lack of habitats for qualifying species on the site, or the use of lands in the area by qualifying species, it is not considered that the proposed development gives rise to a risk of significant effects due to collision of qualifying bird species with buildings.

The Santry river is c.700m from the site. In terms of potential hydrological connection from the surface water runoff or storm overflows to the river during construction and operational phases. I consider given the location of the site in a built-up area, there is no potential for pollution to enter the watercourses, across the terrestrial buffer via overland flow. Any potential pathway is via discharges to the surface water drainage network.

In relation to the operational phase of the development, I note the development I note surface water from the proposed development will discharge, once attenuated, and treated to a manhole constructed as part of the previously approved mixed-use development (2713/17 and 1737/19) and discharged to the public surface water sewer system.

It is a policy of Dublin City Council (SI18) to “require the use of Sustainable Urban Drainage Systems in all new developments, where appropriate, as set out in the Greater Dublin Regional Code of Practice for Drainage Works”. As such, the design entails a suite of SuDS measures that will be incorporated into the proposed development. This will reduce the flow rate of surface water run-off and largely eliminate the risk of pollution to waterbodies arising from surface water run-off during the Operational Phase. While the use of SUDS measures are not intended to avoid or reduce the harmful effects of a project on a European site, they will reduce peak flow rates and the likelihood of suspended solids or hydrocarbons entering the water system. They are clearly not included as a measure to mitigate potential impacts on European sites. Furthermore, the scale of the proposed development relative to the rest of the area served by that system means that the impact on the flows from that system would be negligible and would not have the potential to have any significant effect on any Natura 2000 site.

It is proposed to discharge foul sewerage via gravity by means of a new 225mm diameter sewer out falling to a manhole constructed as part of the previously approved mixed use scheme to the south of the site and discharge to the public sewer.

There is an indirect hydrological pathway between the application site and the coastal sites listed above via the public drainage system and the Ringsend WWTP.

Permission was granted by An Bord Pleanála in April 2019 for the upgrading of the Ringsend WWTP under ABP ref. ABP-301798-18, which works are currently underway. In granting permission, the Board undertook an Appropriate Assessment of the proposed development and concluded that that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the European Sites, in view of the sites’ Conservation Objectives. Documentation and evidence provided in that case, including the EIAR, provide a reasonable basis to conclude that this proposed development would not be likely to give rise to significant effects on the conservation objectives of European Sites, either individually, or when taken together and in combination with other plans or projects. The increased loading on the plant arising from the development proposed herein will not be significant in the context of the wider city and the increased capacity of the plant.

### **In Combination/Cumulative Impacts**

Observers raised concerns that the AA screening does not consider cumulative impacts. A number of SHD application have been permitted in the vicinity of the site. In assessing potential in-combination effects, the screening report identifies the following permitted developments in the area:

PA Reg, Ref F20A/0004. Lilmar Industrial Estate, Oak Avenue, Santry, Dublin 9. Planning permission granted in April 2021 for the demolition of existing industrial units (2417 sq.m). Construction of 2 no. apartment blocks (3-5 storeys in height), comprising 35 no. units (13 no. 1-bed, 18 no. 2-bed and 4 no. 3-bed), all with balconies/terraces facing north-south-east/west. Development to be accessed from Oak Avenue (existing) to the south with additional new pedestrian access to the east. Provision of car parking (surface) and cycle parking, open spaces and all associated site development works, landscaping, boundary treatments and other servicing works.

ABP Ref: ABP-306075-19 Northwood Avenue: Permission granted in March 2020 for 331 no apartments in 4 no. 8-storey blocks, approx. 1km northwest of ABP-310910-21 Inspector's Report Page 130 of 138 the application site. Screening undertaken in this case concluded that significant effects on any European site were not likely.

Santry Place:

PA Reg, ref. 2713/17: Permission granted in March 2018 for a mixed-use development providing 137 no. residential units, retail / commercial units and commercial offices in 4 and 5-storey blocks. Screening undertaken concluded that AA was not required.

PA Reg. Ref 2737/19: Permission granted in August 2019 for modifications to PA ref. Ref. 2713/17, to increase the height of permitted blocks, increase the number of apartments to 207 no. units, reduce office floorspace and provide a community use was in compliance with condition no. 3 of PA Ref. 2713/17. Screening undertaken in this case concluded that significant effects on any European site were not likely. This development is complete. Former Swiss Cottage Bar and Restaurant:

PA Reg.ref 4211/15: Permission granted for demolition of the former Swiss Cottage Bar and Restaurant and the construction of a 3-storey mixed use retail, commercial and office structure, including discount foodstore. Screening undertaken concluded that AA was not required.

ABP-303358-19:Permission granted for demolition of the former Swiss Cottage public house and construction of 110 BTR residential units ranging in height from 3 to 6 no. storeys (20.9m) over partial basement level, and 3 no. ground floor commercial units. Screening undertaken concluded that significant effects on European site were not likely. This development is complete.

ABP-306987-20:Permission for 120 apartments and associated site works on the former Swiss Cottage lands to the east of the application site with building heights ranging from 3 to 7 storeys, at a density of 250 units per hectare. The development was to amend and supersede that permitted under ABP-303358-19. AA screening concluded that significant effects on any European site were not likely. Omni Park:

ABP-307011-20:Permission for the demolition of existing structures, construction of 324 apartments, creche and associated site works on lands to the northeast of ABP-310910-21 Omni Park Shopping Centre, approx. 200m south of the application site. The development rises from 5 (19m) to 12 storeys (40.2m) at a density of c. 250 units per hectare. Screening undertaken concluded that significant effects on European site were not likely.

Significant effects were previously screened out in the afore mentioned development at application stage. Furthermore, as construction work at Santry Place and the former Swiss Cottage site has been completed, no construction stage in-combination effects arise. The screening report also considers the Dublin City Biodiversity Action Plan 2015 - 2020, City Development Plan 2016-2022 and Appropriate Assessment thereof, for possible in-combination effects with the proposed development. The report notes that Development Plan policies and objectives have been developed to anticipate and avoid developments that would be likely to significantly affect the integrity of any European site. It also notes the development plan requirement for SuDS measures in all new developments such that cumulative impacts due to of surface water discharges are unlikely.

With regard to Ringsend WwTP, I note that permission was granted by the Board in April 2019 for the upgrading of the plant under ABP ref. ABP-301798-18, which works are currently underway. The project will deliver the capacity to treat wastewater for 2.4 million pe on a phased basis. In granting permission, the Board undertook an Appropriate Assessment of the development and concluded that, by itself or in combination with other plans or projects, the proposed development would not adversely affect the integrity of any European Sites, in view of the sites' Conservation Objectives. Documentation and evidence provided in that case, including an EIAR, provide a reasonable basis to conclude that this proposed development would not be likely to give rise to significant effects on the conservation objectives of European Sites, either individually, or when taken together and in combination with other plans or projects. The increased loading on the plant arising from the development proposed herein will not be significant in the context of the wider city and the increased capacity of the plant.

The applicant's AA screening report refers to the conclusions of that EIAR and in particular, the conclusions relating to the do-nothing scenario. It argues that significant effects on marine biodiversity and Natura 2000 sites within Dublin Bay from the (then) current operation of Ringsend WWTP were unlikely, and that in the absence of any upgrading works, significant effects to Natura 2000 sites were not likely to arise. Having regard to the foregoing,

Having regard to the foregoing I am satisfied that 'in-combination' effects arising from this development and others, will not result in significant effects, directly or indirectly, on any European site arising from the level of discharge envisaged.

Therefore, having regard to the scale and nature of the proposed student accommodation and its location within the built up area of the city which can be serviced, I conclude that the proposed development would not be likely to have any significant effects on any Natura 2000 site, either directly or indirectly or in combination with other plans and projects.

#### **13.4 Mitigation measures**

No measures designed or intended to avoid or reduce any harmful effects of the project on a European Site have been relied upon in this screening exercise.

#### **13.5 Screening Determination**

The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. Having carried out Screening for Appropriate Assessment of the project, it has been concluded that the project individually or in combination with other plans or projects would not be likely to give rise to significant effects on European Site No. 000210 (South Dublin Bay SAC), 000206 (North Dublin Bay SAC), 004024 (South Dublin Bay and River Tolka Estuary SPA) and 004006 (North Bull Island SPA) or any other European site, in view of the sites' Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is not therefore required. This is based on the following:

- The nature and scale of the proposed development on fully serviced lands,
- The intervening land uses and distance from European Sites, and
- Lack of direct connections with regard to the source-pathway-receptor model.

it is concluded that the proposed development, individually or in-combination with other plans or projects, would not be likely to have a significant effect on the above listed European sites or any other European site, in view of the said sites' conservation objectives. A stage 2 appropriate assessment (and submission of NIS) is not therefore required

## 14.0 Recommendation

I consider the principle of development as proposed to be acceptable on this site. The site is suitably zoned for residential and commercial development, is a serviced site, where public transport, social, educational and commercial services are available. The proposed development is of a suitably high quality and provides for a mix of one, two and three-bedroom apartments which are served by high quality communal and public open space.

I do not foresee that the development will negatively impact on the existing residential and visual amenities of the area. Suitable pedestrian, cycling and public transport is available to serve the development. The development is generally in accordance with National Guidance and Local Policy (except for height) and is in accordance with the proper planning and sustainable development of the area.

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

## 15.0 Reasons and Considerations

Having regard to

- (i) the site's location on lands with a zoning objective for neighbourhood centre including residential and commercial and the policy, and objective provisions in the Dublin City Development Plan 2016 - 2022 in respect of residential development,
- (ii) the nature, scale and design of the proposed development which is consistent with the provisions of the Dublin County Development Plan 2016 - 2022 and appendices contained therein,
- (iii) to the Rebuilding Ireland Action Plan for Housing and Homelessness 2016,
- (iv) to Housing for All – A New Housing Plan for Ireland, issued by the Department of Housing, Local Government and Heritage in September 2021
- (v) the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, and the accompanying Urban Design Manual – A Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009,
- (vi) the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, issued by the Department of the Housing and Planning and Local Government, December 2020,

- (vii) the Climate Action Plan 2021
- (viii) the availability in the area of a wide range of social and transport infrastructure,
- (ix) to the pattern of existing and permitted development in the area, and
- (x) Chief Executive's Report and supporting technical reports of Dublin City Council,
- (xi) the comments made at the North Central Area Committee meeting,
- (xii) to the submissions and observations received,
- (xiii) the Inspectors report

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

## 16.0 Recommended Board Order

Application: for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Bord Pleanála on the 7<sup>th</sup> July 2022 by Dwyer Nolan Developments Ltd.

### **Proposed Development:**

Permission for a strategic housing development, on a site of c. 1.5 hectares, located at the junction of Santry Avenue and Swords Road, Santry, Dublin 9.

The development site is bounded to the north by Santry Avenue, to the east by Swords Road, to the west by Santry Avenue Industrial Estate, and to the south by the permitted Santry Place development (granted under Dublin City Council Ref's. 2713/17 & 2737/19). The proposed development provides for 350 no. apartments, comprised of 113 no. 1 bed, 218 no. 2 bed, & 19 no. 3 bed dwellings, in 4 no. seven to fourteen storey buildings, over basement level, with 4 no. retail / commercial units, a medical suite / GP Practice unit and a community use unit located at ground floor level facing onto Santry Avenue and Swords Road. A one storey residential amenity unit, facing onto Santry Avenue, is also provided for between Blocks A & D.

The development consists of the following:

- (1) Demolition of the existing building on site i.e. the existing Chadwicks Builders Merchants (c. 4,196.8m<sup>2</sup> ).
- (2) Construction of 350 no. 1, 2, & 3 bed apartments, retail / commercial, medical suite / GP Practice and community uses in 4 no. buildings that are subdivided into Blocks A-G as follows:

- Block A is a 7 to 14 storey block consisting of 59 no. apartments comprised of 26 no. 1 bed, 27 no. 2 beds & 6 no. 3 bed dwellings, with 2 no. commercial/retail units located on the ground floor (c. 132.4m<sup>2</sup> & 173m<sup>2</sup> respectively). Adjoining same is Block B, which is a 7 storey block consisting of 38 no. apartments comprised of 6 no. 1 bed, 26 no. 2 bed, & 6 no. 3 bed dwellings, with 1 no. commercial/retail unit and 1 no. medical suite / GP Practice unit located on the ground floor (c. 162.3m<sup>2</sup> & 130.4m<sup>2</sup> respectively). Refuse storage areas are also provided for at ground floor level.
- Block C is a 7 storey block consisting of 55 no. apartments comprised of 13 no. 1 bed & 42 no. 2 bed dwellings. Refuse storage areas are provided for at ground floor level. Adjoining same is Block D which is a 7 to 10 storey block consisting of 51 no. apartments comprised of 25 no. 1 bed, 19 no. 2 bed, & 7 no. 3 bed dwellings, with 1 no. commercial unit / café located on the ground floor (c. 163.3m<sup>2</sup> ). A refuse storage area is also provided for at ground floor level.
- Block E is a 7 to 10 storey block consisting of 58 no. apartments comprised of 10 no. 1 bed & 48 no. 2 bed dwellings, with 1 no. community use unit located on the ground floor (c. 188.1m<sup>2</sup> ). A refuse storage area, substation, & switchroom are also provided for at ground floor level. Adjoining same is Block F which is a 7 storey block consisting of 55 no. apartments comprised of 13 no. 1 bed & 42 no. 2 bed dwellings. A refuse storage area & bicycle storage area are also provided for at ground floor level.
- Block G is a 7 storey block consisting of 34 no. apartments comprised of 20 no. 1 bed & 14 no. 2 bed dwellings. A refuse storage area & bicycle storage area are also provided for at ground floor level.

(3) Construction of a 1 storey residential amenity unit (c. 187.9m<sup>2</sup> ) located between Blocks A & D.

(4) Construction of basement level car parking (c.5,470.8m<sup>2</sup> ) accommodating 173 no. car parking spaces & 719 no. bicycle parking spaces. Internal access to the basement level is provided from the cores of Blocks A, B, C, D, E, & F. External vehicular access to the basement level is from the south, between Blocks B & C. 36 no. car parking spaces & 58 no. bicycle parking spaces are also provided for within the site at surface level.

(5) Public open space of c. 1,915m<sup>2</sup> is provided for between Blocks C, D, E, & F. Communal open space of c. 3,122m<sup>2</sup> provided for between (i) Blocks E, F, & G, (ii) Blocks A, B, C, & D, and (iii) in the form of roof gardens located on Blocks A, C, & F and the proposed residential amenity use unit. The development includes for hard and soft landscaping & boundary treatments. Private open spaces are provided as terraces at ground floor level of each block and balconies at all upper levels.

(6) Vehicular access to the development will be via 2 no. existing / permitted access points: (i) on Santry Avenue in the north-west of the site (ii) off Swords Road in the

south-east of the site, as permitted under the adjoining Santry Place development (Ref. 2713/17).

(7) The development includes for all associated site development works above and below ground, bin & bicycle storage, plant (M&E), sub-stations, public lighting, servicing, signage, surface water attenuation facilities etc.

The application contains a statement setting out how the proposal is consistent with the objectives of the Dublin City Development Plan 2016-2022, and also contains a statement indicating why permission should be granted for the proposed development, having regard to a consideration specified in section 37(2)(b) of the Planning and Development Act, 2000, as amended, notwithstanding that the proposed development materially contravenes a relevant development plan or local area plan other than in relation to the zoning of the land.

An Environmental Impact Assessment Report (EIAR) has been prepared in respect of the development proposal and accompanies the application.

#### **Decision:**

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

#### **Matters Considered:**

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

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

- (i) the site's location on lands with a zoning objective for neighbourhood centre including residential and commercial and the policy, and objective provisions in the Dublin City Development Plan 2016 - 2022 in respect of residential development,
- (ii) the nature, scale and design of the proposed development which is consistent with the provisions of the Dublin County Development Plan 2016 - 2022 and appendices contained therein,
- (iii) to the Rebuilding Ireland Action Plan for Housing and Homelessness 2016,
- (iv) to Housing for All – A New Housing Plan for Ireland, issued by the Department of Housing, Local Government and Heritage in September 2021
- (v) the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, and the accompanying Urban Design Manual – A Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009,

- (vi) the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, issued by the Department of the Housing and Planning and Local Government, December 2020,
- (vii) the Climate Action Plan 2021
- (viii) the availability in the area of a wide range of social and transport infrastructure,
- (ix) to the pattern of existing and permitted development in the area, and
- (x) Chief Executive's Report and supporting technical reports of Dublin City Council,
- (xi) the comments made at the North Central Area Committee meeting,
- (xii) to the submissions and observations received,
- (xiii) the Inspectors report

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

#### **Appropriate Assessment (AA):**

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European sites, taking into account the nature, scale and location of the proposed development within a suitably zoned and adequately serviced urban site, the Appropriate Assessment Screening Report submitted with the application, the Inspector's Report, and submissions on file.

In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a significant effect on any European site in view of the conservation objectives of such sites.

#### **Environmental Impact Assessment:**

The Board completed in compliance with Section 172 of the Planning and Development Act 2000, an environmental impact assessment of the proposed development, taking into account:

- (a) the nature, scale, location and extent of the proposed development in an urban area served by foul and surface sewerage systems,
- (b) the environmental impact assessment report and associated documentation submitted with the application,
- (c) the submissions from the planning authority, the prescribed bodies and the public in the course of the application, and
- (d) the Inspector's report.

## **Reasoned Conclusions on the Significant Effects**

The Board considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the applicant, provided information which is reasonable and sufficient to allow the Board to reach a reasoned conclusion on the significant effects of the proposed development on the environment, taking into account current knowledge and methods of assessment and the results of the examination set out in the Inspector's Report. The Board is satisfied that the information contained in the Environmental Impact Assessment Report is up to date and complies with the provisions of EU Directive 2014/52/EU amending Directive 2011/92/EU. The Board considered that the main significant direct and indirect effects of the proposed development on the environment are those arising from the impacts listed below. A Construction Environmental Management Plan is the overarching general mitigation relevant to the project design and delivery for the construction stage.

The Board considered that the main significant direct and indirect effects of the proposed development on the environment are, and will be mitigated as follows:

Potential for construction activity to give rise to noise impacts on nearby sensitive receptors, which will be mitigated by the following measures:

- The relatively short-term nature of construction activities.
- Implementation of an agreed Construction Management Plan, which shall include a Noise Abatement Plan, and adherence to identified emission limit values.
- Application of Dublin City Council Good Practice Guide for high-risk sites.
- Limiting the hours of construction.
- Noise monitoring at sensitive locations.

Potential impacts on air quality and population & human health from dust emissions at construction stage, which will be mitigated by the following measures:

- Implementation of the Construction Environment Management Plan which shall include a Dust Management Plan and adherence to identified emission limit values, and the Construction and Demolition Waste Management Plan.
- Monitoring of dust deposition levels at nearby sensitive receptors during construction.
- Minimising generation of waste materials. Potential impacts on population and human health from inward noise at operational stage, which will be mitigated by the following measures:
- The achievement of minimum sound insulation performance on identified facades within the proposed development.

Potential significant effects on Landscape and Visual Amenity arising from the redevelopment and change in the use of lands from industrial to commercial and residential use, which will be mitigated by the following measures:

- The brownfield nature of the site within this robust urban environment, and the surrounding pattern of urban redevelopment
- The zoned nature of the land and the identified need for housing in the region.
- Implementation of the Construction Environmental Management Plan.
- The design of the proposed scheme strengthening the urban character of the area, and the provision and landscaping of open spaces and the public realm.

Potential significant effects on land and soil during construction, which will be mitigated by the following measures:

- Implementation of a Construction Environmental Management Plan, incorporating a dust management plan and Construction Traffic Management Plan.
- Implementation of an agreed Construction and Demolition Waste Management Plan.

- Surface water and sediment control measures in accordance with the CEMP.
  - Hazardous material to be identified during demolition of structures and removed following correct procedures.
- Imported fill which will accord with regulatory requirements.
- Potential significant indirect effects on Water and Hydrology and on Biodiversity, which will be mitigated by the following measures:
- Implementation of a site-specific Construction Environment Management Plan, including surface water management to control potential emission of sediment or other contaminants from the site and monitoring of discharge.
- Connection to Irish Water networks on completion of identified upgrade works.
- The design and maintenance of the operational storm water management and attenuation system, including SUDS measures.
- Separation from sensitive water bodies and potential for dilution effects.
- Maintenance of overland storm flow routes free of obstruction.

Potential significant effects on population and human health and on traffic and transportation, which will be mitigated by the following measures:

- Implementation of an agreed Construction Traffic Management Plan.
- The central / accessible location and brownfield nature of the site, served by high frequency public transport services.
- Proposed improvements to public transport services in the area as part of Bus Connects.
- Implementation of an agreed Mobility Management Plan to promote sustainable transport modes.
- Implementation of a Car Parking Management Strategy and provision of dedicated car share spaces.
- Provision of pedestrian and cycle facilities.

Potential significant effects on population and human health arising from the demands of the increased residential community at this location, which will be mitigated by the following measures:

- Proximity to a designated district centre at the Omni Park centre and other services and facilities in this area including Santry Demesne regional park.
- Provision for commercial and community / residential amenity uses within the development.

The EIAR has considered that the main significant direct and indirect effects of the proposed development on the environment would be primarily mitigated by environmental management measures, as appropriate. The likely significant environmental effects arising as a consequence of the proposed development have therefore been satisfactorily identified, described and assessed.

The Board completed an environmental impact assessment in relation to the proposed development and concluded that, subject to the implementation of the mitigation measures proposed in each chapter of the Environmental Impact

Assessment Report, and, subject to compliance with the conditions set out herein, the effects on the environment of the proposed development by itself and cumulatively with other development in the vicinity would be acceptable. In doing so, the Board adopted the report and conclusions of the reporting inspector.

**Conclusions on Proper Planning and Sustainable Development:**

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

The Board considered that the proposed development is, apart from the building height parameters, broadly compliant with the current Dublin City Development Plan 2016 - 2022 and would therefore be in accordance with the proper planning and sustainable development of the area.

The Board considers that, while a grant of permission for the proposed Strategic Housing Development would materially contravene the Dublin City Council Development Plan 2016-2022 with respect to building height limits for the area. The Board considers that, having regard to the provisions of section 37(2) of the Planning and Development Act 2000, as amended, the grant of permission in material contravention of the Dublin City Council Development Plan 2016-2022 would be justified for the following reasons and considerations:

With regard to S.37(2)(b)(iii), the proposed development in terms of height is in accordance with national policy as set out in the National Planning Framework, specifically NPO 13 and NPO 35, and is in compliance with the Urban Development and Building Height Guidelines, in particular SPPR3

## Conditions

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

**Reason:** In the interest of clarity.

2. Mitigation and monitoring measures outlined in the plans and particulars, including the Environmental Impact Assessment Report, Bat Survey Report, Arboricultural Report, Engineering Services Report, Landscape Design Rationale Report, Construction Management Plan, Construction Environmental Management Plan and Resource and Waste Management Plan with this application shall be carried out in full, except where otherwise required by conditions attached to this permission.

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

3. Prior to the commencement of development the applicant shall submit revised plans and particulars for the written agreement of the planning authority as follows:

*(a) One or two units (size to be agreed with the planning authority) in Block A/B to be amalgamated to provide a childcare facility. This space shall be provided and permanently maintained within the scheme prior to the occupation of any residential units.*

*(b) Commercial units A shall be utilised as a cafe/restaurant. This shall not be used for sale of hot food off the premises (that is, as a takeaway) unless authorised by a further grant of permission.*

*(c) Commercial units B, C and D shall be utilised as retail units (subject to compliance with (a) above).*

*(d) Commercial unit E shall be provided as a medical suite/GP practice unit.*

*(e) The use of the Community Space on the ground floor of Block E shall be restricted to Class 10 use as set out in Part 4 of Schedule 2 to the Planning and Development Regulations as amended. This space and the Residential Amenity Space shall be provided and permanently maintained within the scheme prior to the occupation of any residential units on site.*

*(f) Prior to the occupation of the community space a special purpose vehicle, which could take the form of a corporate, charitable or not for profit organisation that would hold the freeholding/long leasehold interest in the community space to ensure that its purpose is to provide for the greater benefit of the community, shall be established.*

*(g) Details of all signage, lighting (if any) of all ground floor units shall be submitted.*

*Reason: In the interest of residential amenity and to provide for an appropriate mix of uses in this neighbourhood centre (Z3-Zoned) site and provide an adequate standards of residential amenity for future residents of the scheme and improve the amenities of the area.*

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

**Reason:** In the interest of visual amenity.

5. The development shall be carried out on a phased basis, in accordance with a phasing scheme submitted with the planning application, (unless otherwise agreed in writing with the planning authority/An Bord Pleanála prior to commencement of any development.)

Reason: To ensure the timely provision of services, for the benefit of the occupants of the proposed dwellings.

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

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

(c) Excavations in preparation for foundations and drainage, and all works above ground level in the immediate vicinity of retained trees as submitted with the application, shall be carried out under the supervision of a specialist arborist, in a

manner that will ensure that all major roots are protected and all branches are retained.

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

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

7. The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs shall be in accordance with the detailed construction standards of the planning authority for such works and design standards outlined in DMURS. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

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

8. Comprehensive details of the proposed public lighting system to serve the development shall be submitted to and agreed in writing with the planning authority, prior to commencement of /installation of the lighting. The agreed lighting system shall be fully implemented and operational, before the proposed is made available for occupation.

**Reason:** In the interest of public safety and visual amenity.

9. The construction of the development shall be managed in accordance with a Construction Environmental Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development .

This plan shall provide details of intended construction practice for the development , including:

- a) A Pre-Construction Invasive Species Management Plan and an Invasive Species Management Plan if required;
- b) Provision for mitigation measures described in the EIAR;
- c) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
- d) Location of areas for construction site offices and staff facilities; e) Details of site security fencing and hoardings;
- f) Details of on-site car parking facilities for site workers during the course of construction;
- g) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
- h) Measures to obviate queuing of construction traffic on the adjoining road network;

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

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

10. Site and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays and between 0800 and 1400 on Saturdays, and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

11. a) Prior to commencement of development, the developer shall enter into water and wastewater connection agreements with Irish Water.
- b) Any proposals by the applicant to build over/near or divert existing water or wastewater services subsequently occurs the applicant shall submit details to Irish Water for assessment of feasibility and have written confirmation of feasibility of diversion(s) from Irish Water prior to connection agreement.
- c) Prior to the commencement of development the applicant shall identify and procure transfer to Irish Water of the arterial water and wastewater Infrastructure.
- d) The application shall demonstrate that the arterial infrastructure is in compliance with requirements of Irish Water Code of Practice and Standard Details and in adequate condition and capacity to cater for additional load from the Development.

e) All development shall be carried out in compliance with Irish Water Standards codes and practices.

**Reason:** In the interest of public health.

12. Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

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

13. A minimum of 10% of all communal car parking spaces should be provided with functioning EV charging stations/points, and ducting shall be provided for all remaining car parking spaces, including in-curtilage spaces, facilitating the installation of EV charging points/stations at a later date. Where proposals relating to the installation of EV ducting and charging stations/points has not been submitted with the application, in accordance with the above noted requirements, such proposals shall be submitted and agreed in writing with the Planning Authority prior to the occupation of the development .

**Reason:** To provide for and/or future proof the development such as would facilitate the use of Electric Vehicles

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

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

15. (a) The communal open spaces, including hard and soft landscaping, car parking areas and access ways, and all areas not intended to be taken in charge by the local authority, shall be maintained by a legally constituted management company.

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

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

16. The boundary planting and public open spaces shall be landscaped in accordance with the landscape scheme submitted to An Bord Pleanála with this application, unless otherwise agreed in writing with the planning authority. The

landscape scheme shall be implemented fully in the first planting season following completion of the development, and any trees or shrubs which die or are removed within three years of planting shall be replaced in the first planting season thereafter. Additional buffer planting between the public open space and private amenity areas shall be provided and agreed with the planning authority. This work shall be completed before any of the dwellings are made available for occupation. Access to green roof areas shall be strictly prohibited unless for maintenance purposes.

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

17. Prior to commencement of any permitted development, the developer shall engage the services of a qualified arborist as an arboricultural consultant, for the entire period of construction activity. The developer shall inform the Planning Authority in writing of the appointment and name of the consultant, prior to commencement of development. The consultant shall visit the site at a minimum on a monthly basis, to ensure the implementation of all of the recommendations in the tree reports and plans. To ensure the protection of trees to be retained within the site, the developer shall implement all the recommendations pertaining to tree retention, tree protection and tree works, as detailed in the in the submitted Arboricultural Inventory and Impact Assessment Report and accompanying documents. All tree felling, surgery and remedial works shall be completed upon completion of the works. All works on retained trees shall comply with proper arboricultural techniques conforming to BS 3998: 2010 Tree Work – Recommendations. The clearance of any vegetation including trees and shrub shall be carried out outside the bird-breeding season (1 March–31 August inclusive) or as stipulated under the Wildlife Acts 1976 and 2000. The arborist shall carry out a post construction tree survey and assessment on the condition of the retained trees. A completion certificate is to be signed off by the arborist when all permitted development works are completed and in line with the recommendations of the tree report. The certificate shall be submitted to the planning authority upon completion of the works.

**Reason:** To ensure and give practical effect to the retention, protection and sustainability of trees during and after construction of the permitted development.

18. a) The buildings to be demolished and all trees shall be inspected by a suitable qualified expert for bats prior to felling. In the event a roost is found the developer shall require a derogation license from the National Parks and Wildlife Service.
- b) Bat boxes shall be installed in the proposed development, prior to the occupation of the residential units. The number, type and location of the boxes shall be submitted to and agreed in writing with the planning authority.

c) Any clearance of vegetation from the site should only be carried out in the period between the 1st of September and the end of February i.e. outside the main bird breeding season.

d) protection measures for flora of importance found on site.

**Reason:** To avoid the destruction of the nests, nestlings and eggs of breeding birds and to avoid the proposed development causing detrimental effects on flora, fauna and natural habitats.

19. a) Prior to the occupation of the residential units, a Mobility Management Strategy and a Car Parking Management Strategy shall be submitted to and agreed in writing with the planning authority. This shall provide for incentives to encourage the use of public transport, cycling, walking. The mobility strategy shall be prepared and implemented by the management company for all units within the development .

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

20. Prior to the occupation of the residential units, a Carparking Management Strategy shall be submitted to and agreed in writing with the planning authority.

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

21. Details of signage relating to the non-residential uses unit shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity.

22. No advertisement or advertisement structure (other than those shown on the drawings submitted with the application) shall be erected or displayed on the building (or within the curtilage of the site) in such a manner as to be visible from outside the building, unless authorised by a further grant of planning permission.

**Reason:** In the interest of visual amenity.

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

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

24.

a) Crane activities at the site shall be coordinated with Dublin Aviation Authority at least 90 days in advance for assessment of proposed crane activities.

b) Prior to the commencement of development an aviation obstacle warning lighting scheme for the development shall be agreed with the Dublin Aviation Authority.

**Reason:** In the interests of aviation safety.

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

a. notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed ,

b. employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and c. provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove. In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

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

26. Proposals for a naming and numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all signs, and apartment numbers, shall be provided in accordance with the agreed scheme. The proposed names shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

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

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

**Reason:** In the interests of visual and residential amenity.

28. Prior to the commencement of development the applicant shall submit for the written agreement of the planning authority the following:

a) Details for excavation works and a method statement.

b) Asbestos survey for all structures to be demolished and proposal for its disposal if encountered.

c) method statement for the demolition of all structure on site

**Reason:** In the interest of sustainable waste management.

29. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006.

30. Prior to the commencement of the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority, such agreement must specify the number and location of each housing unit, pursuant to Section 47 of the Planning and Development Act 2000, that restricts all residential units permitted to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.

**Reason:** To restrict new housing to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.

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

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

32. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains,

drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

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

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

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

---

Dáire McDevitt  
Senior Planning Inspector

2<sup>nd</sup> December 2022

## **Appendix 1 List of documentation submitted with the application**

Documentation submitted with the application included inter alia:

- Planning Report
- Statement of Consistency
- Material Contravention Statement
- Statement of Response to An Bord Pleanála's Notification of Pre-Application Consultation Opinion
- Statement of Consistency

- Statement of Compliance with Draft Dublin City Development Plan 2022-2028
- Property Management Strategy Report.
- Social & Community Infrastructure Assessment
- Universal Design Statement.
- Housing Quality Assessment.
- Building Life Cycle Report.
- Architectural Design Statement
- Daylight & Shadow Assessment.
- Wind Microclimate Modelling
- Verified Views.
- Architectural Heritage Impact Assessment.
- Archaeological Assessment
- Arboricultural Report
- Santry Tree Constraints Plan
- Santry Tree Impacts Plan
- Santry Tree Protection Plan
- Landscape Design Rationale Report
- Appropriate Assessment Screening Report.
- Bat Survey
- Environmental Impact Assessment Report (vol. I)
- Environmental Impact Assessment Report – Non Technical Summary (vol. II)
- Hydrogeological Impact Assessment
- Outline Construction Management Plan
- Construction & Environmental Management Plan
- Resource & Waste management Plan
- Operational Waste Management Plan
- Outdoor Lighting Report
- Foundation Appraisal
- Engineering Services Report
- Site Specific Flood Risk Assessment
- Traffic and Transportation Assessment
- DMURS Statement of Consistency
- Swords Road Santry Road Safety Audit
- Mobility Management Plan
- Part V Proposals