



An
Bord
Pleanála

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

**Inspector's Addendum
Report**

ABP-314019-22

Strategic Housing Development (SHD)	Demolition of the existing building on site, construction of 350 no. apartments and associated site works.
Location	Junction of Santry Avenue and Swords Road, Santry, Dublin 9 – occupying the site of the existing Chadwick Builders Merchants (www.santryavenueshd2.ie)
Planning Authority	Dublin City Council (DCC)
Applicant	Dwyer Nolan Developments Ltd.
Prescribed Bodies	<ol style="list-style-type: none">1. Irish Water2. Dublin Airport Authority3. Transport Infrastructure Ireland4. National Transport Authority
Observers	34 no. as per the original Inspector's Report (IR) dated 2 nd December 2022

Date of Site Inspection

10th September 2024

Inspector

Anthony Kelly

Contents

1.0 Introduction	4
2.0 An Assessment of the Proposed Development by Reference to the Dublin City Development Plan (DCDP) 2022-2028 and Relevant Updated Guidance	4
2.1. Context	4
2.2. Dublin City Development Plan (DCDP) 2022-2028	5
2.3. Land Use Zoning.....	22
2.4. Density and Building Height	23
2.5. Compliance with Objective CUO25 of the DCDP 2022-2028.....	42
2.6. Unit Mix	44
2.7. Compliance with Policies CA10 and CA17 of the DCDP 2022-2028	44
2.8. Compliance with Policies SI23 and SI25 of the DCDP 2022-2028	46
2.9 Sustainable Residential Development and Compact Settlement Guidelines for Planning Authorities (2024)	47
2.10 Sustainable Urban Housing: Design Standards for New Apartments (2023).....	49
3.0 Other Issues.....	49
4.0 Appropriate Assessment (AA)	51
4.0 Conclusion	51
5.0 Recommendation.....	53
6.0 Reason for Refusal	53
Appendix 1 - Appropriate Assessment (AA) Stage 1	

1.0 Introduction

- 1.1. This Addendum Report should be read in conjunction with the original Inspector's Report (IR) on file dated 2nd December 2022.

- 1.2. Board Direction BD-017235-24 dated 14th August 2024 contains the Board's Direction in relation to this Addendum Report. It states as follows;

'The submissions on this file and the Inspector's report were considered at a Board meeting held on 14/08/2024.

The Board decided to defer this case for consideration at a further Board meeting and also to seek an update report from Inspectorate, providing an assessment of the proposed development by reference to the current statutory development plan and any relevant updated Guidance'.

- 1.3. I address these issues in the following sections.

2.0 An Assessment of the Proposed Development by Reference to the Dublin City Development Plan (DCDP) 2022-2028 and Relevant Updated Guidance

2.1. Context

- 2.1.1. Further to Board Direction BD-017235-24 I have addressed both the current statutory Development Plan and relevant updated guidance in this section¹ to avoid unnecessary repetition as there is a degree of overlap in matters arising. The relevant section 28 Guidelines to be considered are the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024) and the Sustainable Urban Housing: Design Standards for New Apartments (2023).
- 2.1.2. Since the original IR on file dated 2nd December 2022 the Dublin City Development Plan (DCDP) 2022-2028 was adopted on 2nd November 2022 and came into effect on 14th December 2022. The 'Statement of Consistency' and 'Material Contravention Statement' submitted with the application refer to the DCDP 2016-2022 as this was the statutory plan in place at the time the application was made. The Material Contravention Statement set out the justification for the proposed development, in particular:

¹ Section 2.0

- the proposed building height with reference to section 16.7.2 of the DCDP 2016-2022, and,
- the proposed unit mix with reference to section 16.10.1.

2.1.3. This Addendum Report considers the statutory plan now currently in place i.e. the DCDP 2022-2028, which has superseded the Plan referenced in the application documentation.

2.2. Dublin City Development Plan (DCDP) 2022-2028

2.2.1. In this subsection I consider the SHD application in the context of the current Plan and outline relevant policies, objectives, or other quantitative measures. The material contravention issues of the previous Plan that were identified in the application i.e. building height and unit mix, are assessed in more detail in subsections 2.4 and 2.6.

Volume 1: Written Statement

Chapter 1 – Strategic Context and Vision

2.2.2. No relevant policies, objectives, or other quantitative measures are contained in this chapter.

Chapter 2 – Core Strategy

2.2.3. The proposed development complies with the provisions of this chapter as it would contribute to compact growth along a public transport corridor on appropriately zoned, brownfield land within the built-up area.

Chapter 3 – Climate Action

2.2.4. The subject development is consistent with policy CA3 in that it would contribute to a sustainable settlement pattern, urban form, and mobility. An under-utilised site along a public transport corridor would be appropriately developed for high density residential and mixed-uses. Appropriate climate mitigation and adaptation measures such as sustainable urban drainage systems (SuDS) are proposed in relation to policy CA5.

2.2.5. Policy CA8 sets out what new development should generally demonstrate/provide for to reduce carbon dioxide emissions. I am satisfied that the proposed development layout is appropriate in terms of daylight, ventilation, and public transport. Building regulation standards have to be adhered to and, inter alia, a Construction Environment

Management Plan and a Resource Waste Management Plan (RWMP) would be required as standard conditions. Relevant energy detail is also contained in the Building Life Cycle Report dated 20th June 2022 submitted with the application. Similarly, policy CA9 sets out that development proposals must demonstrate sustainable climate adaptation principles. The proposed development includes green roofs, SuDS, and open spaces, and there is no flood risk. I am satisfied the proposed development is consistent with the principles set out.

- 2.2.6. Policies CA10 (Climate Action Energy Statements) and CA17 (Supporting the Potential of District Heating in Dublin City) are specifically addressed in subsection 2.7.
- 2.2.7. Policy CA24 requires regard to be had to best practice on waste management plans for construction and demolition projects. A RWMP would be attached to any grant of permission as standard. Electric vehicle charging points are proposed within the development as per policy CA25.

Chapter 4 – Shape and Structure of the City

- 2.2.8. The proposed development would be consistent with policies SC8 and SC9 which state it is policy to, inter alia, support the development of the outer city and fully maximise opportunities for intensification of infill, brownfield, and underutilised land where it aligns with existing and pipeline public transport services (SC8) and develop and support the hierarchy of the suburban centres, including Key Urban Villages, Urban Villages and Neighbourhood Centres, in order to e.g. support the sustainable consolidation of the city, provide for essential economic and community support for local neighbourhoods; and promote and enhance the distinctive character and sense of place of these areas by ensuring an appropriate mix of retail and retail services (SC9).
- 2.2.9. Policies SC10 (Urban Density), SC11 (Compact Growth), SC14 (Building Height Strategy), SC15 (Building Height Uses), SC16 (Building Height Locations), and SC17 (Building Height) are considered in subsection 2.4 (Density and Building Height). Policy SC18 (Landmark/Tall Buildings) references appendix 3 which is also assessed in detail in section 2.4. Policy SC12 (Housing Mix) is addressed in subsection 2.6. I consider the proposed open space areas and SuDS are consistent with policy SC13 which promotes green infrastructure and landscape.

2.2.10. The proposed architectural design was assessed in the original IR dated 2nd December 2022. It was considered to be appropriate. I agree with the original IR in this regard, and I consider that policies SC19 and 21 are complied with. There is limited roads creation proposed but I consider that it is consistent with DMURS principles (policy SC20, and policy SMT33 in chapter 8). A Design Statement has been submitted in accordance with policy SC23 (Architectural Design Statement dated June 2022).

Chapter 5 – Quality Housing and Sustainable Neighbourhoods

2.2.11. The proposed development would be consistent with policy QHSN10 which promotes residential development at sustainable densities having regard to high standards of urban design and architecture and it would successfully integrate with the character of the area. In this regard I note both recently constructed and permitted development.

2.2.12. Policy QHSN11 promotes the 15-minute city. The proposed development provides residential development at a sustainable density, commercial units, and community floorspace together with public and communal open spaces in an area immediately adjacent to a large area of parkland (Santry Demesne) and public transport, and also adjacent to Santry Avenue Industrial Estate and in close proximity to a large shopping centre (Omni). I consider this to be a liveable, sustainable urban neighbourhood fully in line with the policy. It is similar to policy QHSN12 which encourages neighbourhood development which protects the quality of the built environment and health and wellbeing. Inter alia, a community area is to be provided, other facilities are available a short walk away, car parking provision is relatively low, and a new public open space area is to be provided.

2.2.13. The application was accompanied by a Universal Design Statement (UDS) dated 20th June 2022 which states in section 3.0 that ‘The design seeks to go beyond minimum mandatory compliance and accordingly where practicable best practice and the principles of Universal design form the basis of the design approach herein’. The UDS considers a disability access certificate will be obtained without giving rise to changes that would require planning permission. Disabled parking spaces are provided. I consider the UDS is relevant to the some of the policies set out for social inclusion e.g. QHSN16-QHSN18. The public space is ungated while communal spaces are gated, which I consider to be appropriate. I consider permeability is provided for as required by QHSN21.

- 2.2.14. I consider that the proposed SHD is consistent with the relevant policies set out in section 5.5.7 (Specific Housing Typologies) e.g. QHSN36 (promotes high quality apartments within sustainable neighbourhoods with suitable levels of amenity, and to ensure availability of social infrastructure and other support facilities), QHSN37 (ensure a satisfactory level of residential amenity), and QHSN39 (effective property management).
- 2.2.15. In my view, the social and community infrastructure provided for within the proposed development, notwithstanding the provisions of subsection 2.5, is consistent with the policies of the Plan e.g. QHSN47 and QHSN49. A Social and Community Infrastructure Report dated 20th June 2022 accompanied the planning application which in my opinion meets the requirement of policy QHSN48 (Community and Social Audit). It is an objective (QHSN015) that all housing developments over 100 units include a community safety strategy for implementation. While no such specific document has been provided the proposed development allows for, inter alia, a very high level of passive surveillance over both the roads and streets around the perimeter of the site and over the internal public and communal open spaces, has active frontages and an absence of non-overlooked/secluded areas, would have limited vehicular movement, adequate lighting, gated areas for residents, and CCTV. Notwithstanding the absence of a specific document I consider that community safety is provided for and, as such, I do not consider a compliance condition requiring a formal community safety strategy is necessary, should permission be granted.
- 2.2.16. A medical suite is proposed which is consistent with policy QHSN52. A childcare facility was proposed to be provided by way of condition as per the original IR dated 2nd December 2022, which is related to policy QHSN55. A community facility is provided for in the application as per policy QHSN60.

Chapter 6 – City Economy and Enterprise

- 2.2.17. While there are no relevant policies or objectives in this chapter, I note the proposed development would result in temporary employment during the construction phase and the commercial units would provide employment during operation.

Chapter 7 – The City Centre, Urban Villages and Retail

- 2.2.18. The site is zoned as a neighbourhood centre. The proposed development would significantly enhance active uses at street level and would therefore be consistent with policy CCUV23 which states it is policy 'To promote active uses at street level in ... neighbourhood centres'. Notwithstanding the proposed removal of the existing builder's providers, I consider the non-residential element of the proposed development is consistent with policy CCUV25 which states it is policy 'To support, promote and protect Neighbourhood and Local Centres which play an important role in the local shopping role for residents and provide a range of essential day to day services and facilities'. Policy CCUV28 supports retail service development at all levels of the retail hierarchy. The proposed café use is promoted by policy CCUV30.
- 2.2.19. I consider that the layout of the proposed development, including along the Swords Road and Santry Avenue, and the creation of a new public link between Santry Place and Santry Avenue, complies with public realm policies CCUV37-CCUV40 and CCUV44.

Chapter 8 – Sustainable Movement and Transport

- 2.2.20. The proposed development provides car parking at less than the maximum rate permitted under the DCDP 2022-2028 (see also paragraph 2.9.2 (SPPR 3)), so it, in combination with the location adjacent to an existing bus corridor/proposed BusConnects core route, would fully comply with policy SMT1 which seeks to, in part, continue to promote modal shift from private car use towards increased use of more sustainable forms of transport such as active mobility and public transport. Policy SMT4 supports and encourages, among other issues, intensification and mixed-use development along public transport corridors. A Mobility Management Plan (MMP) dated June 2022 was submitted with the application, as required by policy SMT7.
- 2.2.21. As set out in the previous chapter I consider the layout of the proposed development complies with public realm policy SMT9. In addition, the layout, for example providing a safe link between Santry Place and Santry Avenue, is consistent with policy SMT17 in relation to pedestrians and permeability.
- 2.2.22. Policy SMT24 promotes the use and expansion of shared mobility to all areas of the city. Four car sharing spaces are proposed and paragraph B1.7 of the MMP states 'Consultation has been taken place [sic] with Go Car who are committed to operating

the facility at the development site'. The proposed development is consistent with car parking policies such as policies SMT27 (ii) and SMT29 (electric car charging).

Chapter 9 – Sustainable Environmental Infrastructure and Flood Risk

- 2.2.23. A certificate of feasibility was issued to the applicant by Irish Water stating that proposed water and wastewater connections were feasible subject to upgrades and a statement of design acceptance has been obtained. Separate foul and surface water drainage systems are proposed. The Engineering Service Report dated June 2022 submitted with the application states the foul and surface water systems are designed to comply with the Greater Dublin Strategic Drainage Study. I consider the proposed development complies with policies SI2-SI4.
- 2.2.24. A Site Specific Flood Risk Assessment dated June 2022 was submitted with the application, which I consider to be compliant with policy SI15. SuDS is proposed on site as required by policies SI21 and SI22.
- 2.2.25. Policy SI23 (Green Blue Roofs) is addressed in subsection 2.8. A specific Surface Water Management Plan has not been submitted as required by policy SI25, and this is also addressed in subsection 2.8. Although some relevant surface water detail is contained in the application e.g. section 14.0 of the Planning Report dated 20th June 2022 and section 3.0 of the Engineering Services Report dated June 2022, as per subsection 2.8/policy SI23, there is no provision for blue roofs. Given the absence of any information on blue roofs, I consider that a Surface Water Management Plan is required by way of a compliance condition, should this SHD application be granted. This paragraph should be read in conjunction with subsection 2.8.
- 2.2.26. Four separate waste streams are catered for in both the residential and commercial areas as per the Operational Waste Management Plan dated 17th June 2022. This addresses policy SI29.
- 2.2.27. It is unclear if the proposed development provides open access connectivity arrangements directly to the individual premises to enable service provider competition and consumer choice in line with policy SI46. I consider this could be conditioned should permission be granted.

Chapter 10 – Green Infrastructure and Recreation

- 2.2.28. The proposed open space/green areas in the development contribute in a general way towards a number of policies e.g. GI6 (New Development / New Growth Areas), GI7

(Connecting Greening Elements in Site Design), GI16 (Habitat Creation and New Development), and GI28 (New Residential Development).

- 2.2.29. The issue of green/blue roofs as per objective GIO1 is addressed in subsection 2.8.
- 2.2.30. The proposed development has been subject of appropriate assessment (AA) screening under both the original IR dated 2nd December 2022 and in section 4/appendix 1 of this report where I have carried out additional AA screening because of the North West Irish Sea SPA which was designated after this SHD application was lodged. I consider these address policies relating to European sites such as GI9, GI13, and GI30. Notwithstanding, the North West Irish Sea SPA was not included in the applicant's AA Screening Report dated 30th May 2022.
- 2.2.31. Retention of existing trees (some in the adjoining site to the west) and planting of new trees (policies GI40 and GI41) are illustrated on the Landscape Plan (drawing no. Dw.01-DR-201) submitted with the application. Children's play facilities are provided for within the open space areas as outlined in section 3.3 (Play) of the 'Design Rationale – Landscape Architecture' dated 21st August 2020 submitted with the application. This complies with policy GI52.

Chapter 11 – Built Heritage and Archaeology

- 2.2.32. Notwithstanding the absence of any protected structures, structures on the national inventory of architectural heritage, recorded monuments, or architectural conservation area on site, there are some policies of the DCDP 2022-2028 that are relevant e.g. BHA11 (Rehabilitation and Reuse of Existing Older Buildings), BHA15 (Twentieth Century Buildings and Structures), BHS16 (Industrial Heritage), BHA26 (Archaeological Heritage), and BHA28 (Historic Place and Street Names).
- 2.2.33. Issues of built heritage and archaeology were assessed in detail in the original IR dated 2nd December 2022 including in sections 11.2.1 (Demolition of existing structures), 11.2.2 (Height), 11.12.2 (Cultural Heritage) and in chapter 13 (Archaeology and Cultural Heritage) of the EIA. I agree with the conclusions reached in that report and I consider that the proposed development would not contravene the provisions of this chapter of the DCDP 2022-2028.

Chapter 12 – Culture

- 2.2.34. Objective CUO25 (SDRAs and Large Scale Developments) requires large scale developments above 10,000sqm to provide a minimum of 5% community, arts and

culture space. This is addressed in more detail in subsection 2.5. Notwithstanding, I would draw the Board's attention at this stage to the fact that the SHD development as submitted would not comply with the provisions of the objective, and therefore to grant the application as submitted would be a material contravention of the DCDP 2022-2028. If the Board is of a mind to grant permission, as further information cannot be sought for an SHD application, and as it is a new issue which did not arise in the DCDP 2016-2022, the Board may consider addressing it by way of a limited agenda oral hearing.

- 2.2.35. Objective CUO30 (Co-Design and Audits) requires large scale applications above 10,000sqm, in the absence of a DCC local area culture audit, to undertake a cultural audit for the local area to identify shortcomings within the area and to work with DCC Arts Office to identify and agree appropriate arts or cultural uses. While no such document was submitted with this SHD application, it could be addressed as part of any limited agenda oral hearing, as per the previous paragraph.
- 2.2.36. Objective CUO54 (Naming of New Developments) is similar to policy BHA28 (Historic Place and Street Names) but this is ultimately a matter for compliance with DCC, as standard.
- 2.2.37. Objective CUO58 (Public Art) requires all large scale regeneration schemes where the total scale of regeneration exceeds 25,000sqm to include an element of public art. As the proposed area is 26,488sqm, as per item 15 (c) of the application form, I consider that this can be reasonably included as a compliance condition should permission be granted.

Chapter 13 – Strategic Development Regeneration Areas (SDRAs)

- 2.2.38. As the subject site is not located in an SDRA this chapter of the Plan is not relevant.

Chapter 14 – Land-Use Zoning

- 2.2.39. The compliance of this SHD application in the context of chapter 14 is set out in subsection 2.3.

Chapter 15 – Development Standards

- 2.2.40. Table 15-1 (Thresholds for Planning Applications) identifies the thresholds at which certain reports are required for residential developments. A number of these/their

equivalent have been submitted with this SHD application e.g. Architectural Design Statement (ADS), Housing Quality Assessment, Design Rationale – Landscape Architecture, Planning Report, Daylight & Shadow Assessment, Property Management Strategy, and AA Screening Report etc. As per paragraph 2.2.15, I do not consider that a Community Safety Strategy is necessary. Other reports which have not been submitted can be submitted by way of compliance e.g. a Climate Action & Energy Statement and a Surface Water Management Plan. These have been referenced earlier in this subsection. I address the Basement Impact Assessment in paragraph 2.2.53.

2.2.41. Section 15.4 (Key Design Principles) outlines what will be considered in the assessment of development proposals. These are: healthy placemaking, architectural design quality, sustainability and climate action, inclusivity and accessibility, and safe and secure design. The application was subject of a thorough assessment in the original IR dated 2nd December 2022 and these principles are also considered in this Addendum Report such as in subsections 2.4 and 2.7, and paragraph 2.2.15. I consider that the proposed development reflects these design principles.

2.2.42. Section 15.5 (Site Characteristics and Design Parameters) ‘provides guidance on identifying the high level characteristics which shape the urban design response to a site to ensure the creation of good quality urban environments’. I consider section 15.5.1 (Brownfield, Regeneration Sites and Large Scale Development) to be the most relevant site type outlined. Certain considerations are set out which are to be incorporated in large-scale proposals. Further to the provisions of both the original IR and this Addendum Report, I consider that these are incorporated into this SHD application. For example:

- it would comprise high quality urban design with appropriate materials,
- it would be consistent with the existing and emerging character of the area,
- it would contribute to the streetscape and create an active public realm and streetscape with an appropriate mix of uses improving the existing range of uses and facilities, and,
- it would provide high quality open spaces connecting into the surrounding open space network and has an appropriate landscaping plan.

Section 15.5 also references, inter alia, density and building height in the context of appendix 3 of the DCDP 2022-2028 and section 28 Guidelines, as well as plot ratio and site coverage, all of which I address in detail in subsection 2.4. Proposed building materials are appropriate. I consider the submitted ADS is adequate to comply with the general requirements of table 15-2 (Information Requirements for Design Statements). Overall, I consider the proposed development would be in line with the Plan requirements for this type of site as set out in section 15.5.

2.2.43. The subject site is occupied by a builder's providers with external storage and car parking. The site is not of any importance for green infrastructure. The proposed development includes provision of tree planting, public and communal open spaces, and SuDS. As such, it would be a significant improvement on the existing condition in terms of green infrastructure and landscaping which is outlined in section 15.6 of the Plan. The public open space location reflects that of Santry Place to the south, providing connectivity between both. SuDS detail was submitted with the application. However, I consider a Surface Water Management Plan and provision of blue roofs can be sought by condition as per paragraph 2.2.25 and subsection 2.8. With regard to sensitive ecological areas (section 15.6.6), additional AA screening has been carried out in section 4/appendix 1 in addition to that contained in the original IR dated 2nd December 2022. A 'Design Rationale – Landscape Architecture' dated 21st August 2021, and related drawings, were submitted with the application which I consider acceptable for compliance with section 15.6.8 (Landscape Plans and Design Reports). I consider the public open space provision to be consistent with the requirements of section 15.6.12 (Public Open Space and Recreation). Boundary treatment detail is submitted as required by section 15.6.13.

2.2.44. As there is an existing structure on site that it is proposed to demolish, section 15.7.1 is relevant. This requires a demolition justification report to set out the rationale for demolition having regard to the 'embodied carbon' of existing structures and demonstrate that all options other than demolition are not possible, as well as the additional use of resources and energy arising from new construction relative to the reuse of existing structures. While no such report has been submitted it is clear that an appropriately dense mixed-use development adjacent to a public transport corridor is a more appropriate use than a single builder's providers in terms of carbon/climate. The DCC Chief Executive's report on file dated 31st August 2022 states 'given the existing policies ... and at national level on intensification of use and density in built

up areas, the retention of this building ... is not justified, and its demolition is considered acceptable'. The proposed development would clearly result in a climate/carbon outcome preferable to retaining the status quo on site. Other issues set out in section 15.7 (Climate Action) are addressed elsewhere in this Addendum Report, such as district heating and a Climate Action Energy Statement in subsection 2.7.

2.2.45. In relation to section 15.8 (Residential Development), I am satisfied that the proposal has had regard to the relevant Guidelines as per section 15.8.1 (as updated by the Compact Settlement Guidelines (2024), see subsection 2.9 of this Addendum Report). A Social & Community Infrastructure Assessment dated 20th June 2022 was submitted as required by section 15.8.2, which includes school details as required by section 15.8.3 and childcare as required by section 15.8.4. Though no letter from DCC was submitted with the application agreeing that the proposed scheme is compliant with the public realm guidance (section 15.8.5), the guidance referred to, 'Your City, Your Space; Dublin City Public Realm Strategy' is a 2012 document, and DCC recommended a grant of permission in its Chief Executive's Report dated 31st August 2022. Section 15.8.6 requires a minimum of 10% of public open space on Z3 zoned land, as was also required under the previous Plan. The Planning Report dated 20th June 2022 states that approx. 13% of the site is public open space. According to the applicant's Design Rationale (section 15.8.8), due to the proximity of Santry Demesne the play provision on site caters for younger children. I consider it reasonable that play areas for older children and young teenagers are therefore not necessary on site. Notwithstanding, I consider that sufficient play areas are proposed. Development naming (section 15.8.9) and gated communities (15.8.10) are referenced elsewhere in this Addendum Report.

2.2.46. Section 15.9 (Apartment Standards) states that the Sustainable Urban Housing: Design Standards for New Apartments (December 2020), 'or any future amendment thereof', should be referenced as part of any planning application for apartment developments. Compliance with the current 2023 Apartment Guidelines is addressed in subsection 2.10 of this Addendum Report. In addition, I note that roof terraces, while provided, are not the primary form of communal amenity space (section 15.9.9), and additional facilities such as a residential amenity unit is provided (section 15.9.10). Appropriate security (gates, lighting, active frontages, overlooking), access and services, and refuse storage would be provided. An Operational Waste Management

Plan dated 17th June 2022, a Building Life Cycle Report dated 20th June 2022, and a Property Management Strategy dated 20th June 2022 have been submitted as required in sections 15.9.13, 15.9.14, and 15.9.15 respectively. Other sub-headings in section 15.9 such as microclimate (daylight and sunlight, wind, and noise), separation distances, and overlooking and overbearance have been robustly assessed and considered in the original IR dated 2nd December 2022 and in this Addendum Report.

- 2.2.47. The provisions of section 15.10 (Build to Rent Residential Developments (BTR)), section 15.11 (House Developments), section 15.12 (Standards for Other Residential Typologies), and section 15.13 (Other Residential Typologies) do not apply to this SHD application.
- 2.2.48. Limited subsections of section 15.14 (Commercial Development/Miscellaneous) apply to the proposed development. A 130.4sqm medical suite is proposed. Section 15.14.6 states DCC 'will support the provision of medical related uses in ... neighbourhood centres ... where appropriate ... In mixed-use developments, which include community, service and retail facilities at ground floor level, the use of a unit as a medical centre of an appropriate size which contributes to the vitality of the area will be supported'. Sections 15.14.7.1 and 15.14.7.2 refer to retail and cafes. The retail section refers to appendix 2 (Retail Strategy). The café section sets out bullet points as to what will be taken into consideration in applications, and I consider the proposed café use to be acceptable in the context of these.
- 2.2.49. Built heritage and archaeology is addressed in section 15.15. An 'Archaeological Assessment' dated 10th June 2022 was submitted with the application. Section 15.15.1.2 requires such an assessment where a site is over 0.5 hectares in area. The potential for retaining and re-using part of the existing structure on site (section 15.15.2.4) was considered in section 11.2.1 of the original IR dated 2nd December 2022. It was concluded that the retention of the structure would reduce the ability of the site to be effectively developed, given its location within the site. The Chief Executive's Report dated 31st August 2022 also considered the demolition to be acceptable. An Architectural Heritage Impact Assessment dated May 2022 was submitted with the application.
- 2.2.50. Section 15.16 (Sustainable Movement and Transport) refers to appendix 5 (considered in paragraph 2.2.60).

- 2.2.51. The public realm is the focus of section 15.17. Section 15.17.3 refers to public art which relates to paragraph 2.2.37 of this Addendum Report (objective CUO58). Limited external seating may be provided outside the café unit, as per the site layout plan, however I consider that there is ample space to accommodate it without obstructing vulnerable road users, as per section 15.17.4. Shopfront and façade design can be submitted to the planning authority for compliance, as would be a standard condition should permission be granted, which would address section 15.17.5.
- 2.2.52. Section 15.18 (Environmental Management) requires, in its various subsections, a number of documents. Most of these have been submitted with the application: a Construction & Environmental Management Plan dated June 2022, a Resource & Waste Management Plan dated 17th June 2022, an Operational Waste Management Plan dated 17th June 2022, and a Site Specific Flood Risk Assessment dated June 2022. A separate Construction Traffic Management Plan is referred to in a number of documents, though it does not appear to have been submitted. However, given the relevant detail contained in the submitted reports, and the standard nature of the proposed construction phase, I consider that it can be submitted as part of the standard Construction Management Plan compliance condition, should permission be granted.
- 2.2.53. A Basement Impact Assessment has not been submitted as required by section 15.18.4 (Basements). Though I note that there is a basement serving Santry Place, and the submitted Hydrogeological Impact Assessment dated 17th June 2022 concludes 'Overall, the impact on the environment as a result of the proposed basement development in the area is predicted to be long term-imperceptible and neutral, provided mitigation measures above described are implemented', I do not consider that the nature of the required assessment is appropriate for a compliance condition. Notwithstanding, I consider that a Basement Impact Assessment could be addressed if the Board was to consider a limited agenda oral hearing as per paragraph 2.2.34.
- 2.2.54. A phasing plan has been provided (section 15.18.1.3). Open access connectivity (section 15.18.5) has previously been referenced in paragraph 2.2.27. In relation to solar energy (section 15.18.8), the Building Life Cycle Report dated 20th June 2022 references solar panels but there is no commitment to using them. Solar energy can be considered as part of the wider built environment issues assessed in subsection

2.7 of this Addendum Report. Issues related to noise, air quality, and ground investigation are referenced in the application documentation including the EIAR and Hydrogeological Impact Assessment.

Chapter 16 – Monitoring and Implementation

2.2.55. This chapter is not directly relevant to the proposed development.

Volume 2: Appendices

2.2.56. Appendix 1 (Housing Strategy Incorporating Interim Housing Need Demand Assessment (HNDA)) does not directly apply to the application. The relevant unit mix requirements are set out in the Apartment Guidelines (2023) and the subject site is not within either of the two areas where a different mix applies as a result of the HNDA.

2.2.57. Notwithstanding that the proposed development incorporates a relatively limited commercial element, I consider that it generally complies with the provisions of appendix 2 (Retail Strategy) in so far as it relates to development of the type proposed. A neighbourhood centre is at level 4 (of 5) in the retail hierarchy. The nature of the proposed commercial element is consistent with the provisions of section 6.4 which states 'Neighbourhood centres are typically zoned Z3. Dublin City Council will facilitate small scale expansion of existing neighbourhood centres where the uses and scale of development proposed is consistent with a neighbourhood scale'. The proposed development is not of a scale that would require a Retail Impact Assessment under section 9.2.

2.2.58. Appendix 3 of the Plan (Achieving Sustainable Compact Growth Policy for Density and Building Height in the City) is relevant to this planning application and it is considered in detail in subsection 2.4 of this Addendum Report.

2.2.59. Appendix 4 (Development Plan Mandatory Requirements) is not relevant to the planning application.

2.2.60. Elements of appendix 5 (Transport and Mobility: Technical Requirements) are relevant. I consider that the proposed development is acceptable in terms of layout and access and greatly improved permeability for pedestrians and cyclists in the localised area would result (section 2.1). A Traffic & Transport Assessment, a Stage 1 Road Safety Audit, and a Mobility Management Plan, all dated June 2022, were submitted with the application (sections 2.2 and 2.3). No Car Park Management Plan has been submitted in line with section 2.5 but this can be conditioned should

permission be granted². Bicycle parking (section 3.0) and car parking (section 4.0) standards are considered in paragraph 2.9.2 (SPPR 3 and SPPR 4) of this Addendum Report. Section 5.0 states that 'In all new developments, a minimum of 50% of all car parking spaces shall be equipped with fully functional EV Charging Point(s)'. 10% of spaces are cited as EV spaces, as per pages 64 and 69 of the Statement of Consistency dated 20th June 2022. This can be increased by condition. The rate of motorcycle parking provision (section 6.0) has been increased from 4% of the number of car parking spaces provided in the previous Plan, to 5% in the current DCDP 2022-2028. As 209 car parking spaces are proposed I consider that an extra motorcycle parking space is required, increasing the number of spaces from nine to ten. I consider this can be done with limited alterations to the submitted layout. Four car sharing spaces are proposed (section 7.0). A DMURS Statement of Consistency dated 1st July 2022 and a taking in charge layout plan were submitted with the planning application (sections 8.2 and 8.3).

2.2.61. Appendix 6 (Conservation) is not relevant to the application.

2.2.62. In relation to appendix 7 (Guidelines for Waste Storage Facilities), an Operational Waste Management Plan dated 17th June 2022 was submitted with the application.

2.2.63. The site is not affected by any COMAH establishment identified in appendix 8 (COMAH (Seveso) Establishments).

2.2.64. Appendix 9 (Basement Development Guidance) sets out general guidance regarding basement development and outlines information to be contained in the required Basement Impact Assessment, as referenced in paragraph 2.2.53.

2.2.65. Appendix 10 (Infrastructure Capacity Assessment) is not directly relevant to the application.

2.2.66. Similar to appendix 9, appendix 11 (Technical Summary of Dublin City Council Green & Blue Roof Guide (2021)) provides guidance to the applicant in terms of the amendments required as set out in subsection 2.8.

2.2.67. Appendix 12 (Technical Summary of Sustainable Drainage Design & Evaluation Guide) provides a high-level summary of the key principles of SuDS design. Apart from the blue roof issue I consider the SuDS design is acceptable on site and agreement

² A Car Parking Management Strategy was recommended as a compliance condition (nos. 19 and 20) in the original IR dated 2nd December 2022.

on any final details can be agreed with the planning authority should permission be granted, as standard.

- 2.2.68. Appendix 13 (Surface Water Management Guidance) sets out the requirements of Surface Water Management Plans and would provide guidance to the applicant in terms of the Plan required under policy SI25. This has also been referenced elsewhere in this Addendum Report e.g. paragraph 2.2.25.
- 2.2.69. Neither appendix 14 (Statement Demonstrating Compliance with S.28 Guidelines) nor appendix 15 (Land Use Definitions) are relevant to the proposed development.
- 2.2.70. In relation to appendix 16 (Sunlight and Daylight), the application was robustly and thoroughly assessed for sunlight and daylight as set out in the original IR dated 2nd December 2022. The guidance documents cited in section 3.0 of the appendix were referenced in the original IR.
- 2.2.71. Development and commercial unit issues relating to appendix 17 (Advertising and Signage Strategy) can be addressed by way of compliance with the planning authority should permission be granted, as standard.
- 2.2.72. Appendix 18 (Ancillary Residential Accommodation) is not relevant to the proposed development.

Volume 3 – Volume 7

- 2.2.73. Volume 3 (Zoning Maps) outlines the various map sets for the city and is relevant to the application in terms of identifying zoning and other relevant information.
- 2.2.74. Volume 4 (Record of Protected Structures) identifies the protected structures in the city. The proposed development does not adversely affect any protected structure.
- 2.2.75. Volume 5 (Strategic Environmental Assessment (Environmental Report)) is not directly relevant to the proposed development.
- 2.2.76. Volume 6 (Appropriate Assessment (Natura Impact Report)) is not directly relevant to the proposed development.
- 2.2.77. Volume 7 (Strategic Flood Risk Assessment) is not directly relevant to the proposed development.

Conclusion

- 2.2.78. While the policies and objectives of the DCDP 2016-2022 broadly align with those contained in the current Plan as they relate to the proposed development, it is clear

that there are a number of areas where the application as submitted is not consistent with the Plan now in place. These items are addressed in greater detail elsewhere in this Addendum Report.

- 2.2.79. The primary issue for the application is the lack of compliance with objective CUO25 of the DCDP 2022-2028. As this is a new issue and as the Board is precluded from seeking further information because it is an SHD application, if the Board is of a mind to grant permission, I consider a limited agenda oral hearing is the appropriate mechanism to do this. This is a decision for the Board in line with section 18 of the Planning & Development (Housing) Residential Tenancies Act, 2016.
- 2.2.80. Should the Board decide that a limited agenda oral hearing is appropriate I recommend that two other issues are also included i.e. the Basement Impact Assessment and updated AA in relation to the North West Irish Sea SPA.
- 2.2.81. I consider that the other issues that have arisen in this Addendum Report on foot of the DCDP 2022-2028 e.g. the Climate Action Energy Statement, the Surface Water Management Plan, the Car Park Management Plan, the provision of a piece of public art, an increase in the amount of fully functioning EV charging points from 10% to 50%, and an increase in the number of motorcycle parking spaces from nine to ten, can be addressed by way of compliance conditions should the application be granted on foot of an oral hearing.

2.3. Land Use Zoning

- 2.3.1. Under the DCDP 2022-2028 the application site is located on lands identified as 'Z3 – Neighbourhood Centres' which have a stated objective 'To provide for and improve neighbourhood facilities'. The zoning is described in section 14.7.3 of the Plan as follows, 'Neighbourhood Centres provide local facilities such as convenience shops, hairdressers, post offices etc. within a residential neighbourhood and range from the traditional parade of shops to larger neighbourhood centres. They may be anchored by a supermarket-type development, typically of between 1,000 sq. m. and 2,500 sq. m. of net retail floorspace. They can form a focal point for a neighbourhood and provide a range of services to the local population. Neighbourhood centres provide an essential and sustainable amenity for residential areas and it is important that they should be maintained and strengthened, where appropriate. Neighbourhood centres

may include an element of housing, particularly at higher densities, and above ground floor level'. All proposed uses are cited as permissible uses in section 14.7.3.

- 2.3.2. Under the DCDP 2016-2022 the site was also located on lands zoned 'Z3 – Neighbourhood Centres' which also had the stated objective 'To provide for and improve neighbourhood facilities'. Though the wording of the current zoning description has been slightly altered from that contained within section 14.8.3 of the 2016-2022 Plan, fundamentally they remain the same and in my opinion there is no material change. I note the recommended condition for a childcare facility as per the original IR dated 2nd December 2022 which would increase the range of services to the local population.
- 2.3.3. I consider that the land use zoning provisions of the DCDP 2022-2028 are the same as those in the 2016-2022 Plan and no issues arise in this regard.

2.4. Density and Building Height

- 2.4.1. The issues of density and building height are inter-related and I consider it appropriate that they are assessed under the same heading.

Density

- 2.4.2. On foot of the original SHD application third party observations included concerns in relation to the proposed density such as the proposed density would materially contravene the development plan³ and that it was excessive for this location. I consider it likely that similar concerns would be expressed in relation to density if the application had been made now i.e. in the context of the current DCDP 2022-2028 and relevant Guidelines. I do not consider that the current policy framework environment would give rise to any new issues in relation to density.
- 2.4.3. The elected representatives of DCC also expressed views that the proposed density was excessive, and that the proposal constituted overdevelopment of the site. However, the Chief Executive's report dated 31st August 2022, noted the 233 units per hectare (uph) figure and stated 'The planning authority does not have any objection in principle to a high density development on this site, given its close proximity to a high

³ The applicant's Material Contravention Statement dated 20th June 2022 did not include density as a possible material contravention issue. This was directly addressed in section 11.1.3 of the original IR dated 2nd December 2022 and it was considered that it would not be a material contravention of the DCDP 2016-2022.

frequency public transport corridor. The changing character of the area is taken into account ... The density proposed in this proposal is comparable to ... recently permitted developments which have proven acceptable to An Bord Pleanála' (page 11). As in the preceding paragraph, I do not consider that the planning authority would express a different view on density in the context of the current policy framework environment.

2.4.4. The original IR dated 2nd December 2022 stated, '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'. The Inspector was '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'.

2.4.5. Densities of recently permitted development in the vicinity include⁴:

- 250uph – ABP-307011-20 (adjacent to north east of Omni Park Shopping Centre approx. 200 metres to the south which has permission for 324 apartments).
- 250uph – ABP-306987-20 (Swiss Cottage site approx. 50 metres to the south east on the opposite side of Swords Road which has been developed for 120 apartments).
- 214uph – P.A. Reg. Ref. LRD6044/S3A / ABP-320106-24 (this is an LRD application on site for 321 apartments etc. granted by the Board following a third party appeal of a grant of permission by DCC).
- 163uph – Santry Place has an overall development density of 163uph (as per page 6 of the applicant's Planning Report dated July 2022 for 4549/22).

2.4.6. Therefore, the proposed density of 233uph is consistent with other recently permitted developments in the vicinity.

Density, plot ratio, and site coverage in the DCDP 2022-2028

2.4.7. Given that the city/Fingal boundary is aligned along Santry Avenue, of the locations identified in table 1 (Density Ranges) of appendix 3 of the DCDP 2022-2028 the

⁴ All densities as per relevant IR except for the final bullet point (Santry Place).

subject site is consistent with the 'Outer Suburbs' location. This has a net density range of 60-120uph. This 'neighbourhood centres' zoning is immediately north of a Key Urban Village (Omni) which has a density range of 60-150uph. It is stated that there will be a general presumption against schemes in excess of 300uph.

2.4.8. Appendix 3 states that 'Appropriate densities are essential to ensure the efficient and effective use of land. It is important to make the best use of the city's limited land supply in order to meet the need for new homes, jobs and infrastructure required by the city's growing population. More compact forms of development, ensuring a mix of uses, the containment of 'urban sprawl' and achieving social and economic diversity and vitality are critical for the future of the city and addressing climate change'. I demonstrate in this subsection how the proposed density of 233uph is appropriate at this location.

2.4.9. Among the areas identified as being suitable for increased density of development in section 4 of appendix 3 are areas close to high frequency public transport. The subject site is along Swords Road where there is a good bus service, and this road is part of the approved Swords to City Centre Core Bus Corridor Scheme. While I note that the site is also within a walkable distance of proposed Metrolink stations to the west it is the existing and proposed public bus transport that is relevant to the site being suitable, in my opinion, for increased density of development.

2.4.10. Relevant Plan policies include:

Policy SC10 – This policy is particularly relevant to the fact that the 233uph density is consistent with the Plan, and it is referenced in paragraphs 2.4.17-2.4.19, below, and,

Policy SC11 – This policy is to promote compact growth and sustainable densities through the consolidation and intensification of infill and brownfield lands, particularly on public transport corridors, which will, inter alia, enhance the urban form and spatial structure of the city, be appropriate to their context and respect the established character of the area, and include due consideration of the protection of surrounding communities and provide for enhanced amenities for existing and future residents.

2.4.11. The proposed development is consistent with policy SC11 given it would result in compact growth at a sustainable density, it would intensify the use of a brownfield site, it is on a public transport corridor, it would enhance the urban form, it would be consistent with the existing and emerging pattern of development in the vicinity, it would not have any undue impact on surrounding communities, and it contains a range

of commercial, retail, and community units. Performance criteria in assessing proposals for enhanced height, density, and scale in the DCC area are set out in appendix 3 of the DCDP 2022-2028 and are considered in table 1 of paragraph 2.4.26, below.

- 2.4.12. Plot ratio and site coverage can also be used to determine the appropriate scale of a development. The plot ratio and site coverage of the proposed SHD are given as 1.76 and 33.5% respectively. Table 2 (Indicative Plot Ratio and Site Coverage) of appendix 3 gives indicative plot ratio and site coverage ranges of 1.0-2.5 and 45-60%⁵, respectively, for an 'outer employment and residential area'. This shows the proposed SHD would be comfortably within the acceptable plot ratio range and significantly below the site coverage range.
- 2.4.13. Overall, and in conjunction with the other paragraphs of this subsection, I am satisfied that the proposed development in this location is in accordance with the Plan, which advocates an approach of consolidation and densification in the built-up area and the proposed density complies with Government policy to increase densities on underutilised lands in order to promote consolidation and compact growth, prevent further sprawl, and address the challenges of climate change. The proposed density of 233uph is consistent with the Plan provisions, specifically policies SC10 and SC11, and with relevant section 28 Guidelines.
- 2.4.14. In my opinion the proposed density would not result in a material contravention of the DCDP 2022-2028, as the proposed density of 233uph is supported by the Plan, as per paragraphs 2.4.34 and 2.4.35.

Sustainable Urban Housing: Design Standards for New Apartments (2023)

- 2.4.15. These Apartment Guidelines were first issued in 2018. A 2020 update related to shared accommodation/co-living and the 2022 update related to Build-To-Rent (BTR) accommodation and some other updated references. The 2023 version included further amendment in relation to certain transitional arrangements for BTR developments. The document refers to itself as the 2022 Guidelines⁶. This SHD application is not a BTR development.

⁵ Section 16.5 of the DCDP 2016-2022 outlined an indicative plot ratio standard of 1.5-2.0 for a Z3 zoning. Section 16.6 gave an indicative site coverage standard of 60% for Z3 zoning.

⁶ That is, the cover page states the Guidelines are July 2023 Guidelines but this is not reflected within the document itself. For example, the contents page refers to 2022 Guidelines, the Minister's Foreword is dated December 2022, and paragraph 1.1 refers to 'These 2022 Guidelines ...'

2.4.16. The 2020 version of the Guidelines were cited in the original IR⁷ dated 2nd December 2022. It was considered to be a 'Central and/or Accessible Urban Location'. I consider that the site remains an accessible urban location under the 2023 Guidelines. These areas are generally suitable for higher density development, though no density range is identified.

Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024)

2.4.17. Notwithstanding the provisions of paragraph 2.4.7, policy SC10 of the current Plan states that it is the policy of the Council 'To ensure appropriate densities and the creation of sustainable communities in accordance with the principles set out in Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas ... and any amendment thereof'. Since the DCDP 2022-2028 came into effect these Guidelines have been replaced by the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024) (Compact Settlement Guidelines).

2.4.18. Table 3.1 (Areas and Density Ranges Dublin and Cork City and Suburbs) of the Compact Settlement Guidelines identify three distinct areas of the city: centre, urban neighbourhoods, and suburban/urban extension. In my opinion the site is consistent with the urban neighbourhood designation i.e. 'The city urban neighbourhoods category includes: (i) the compact medium density residential neighbourhoods around the city centre that have evolved overtime to include a greater range of land uses ... and (iv) lands around existing or planned high-capacity public transport nodes or interchanges (defined in Table 3.8) – all within the city and suburbs area. These are highly accessible urban locations with good access to employment, education and institutional uses and public transport. It is a policy and objective of these Guidelines that residential densities in the range 50 dph to 250 dph (net) shall generally be applied in urban neighbourhoods of Dublin and Cork'. With reference to category (iv), in June 2024 the Board approved the Swords to City Centre Core Bus Corridor Scheme (ABP-317121-23) which runs along Swords Road/the eastern boundary of the site.

⁷ The 2022 Guidelines did not take effect until 22nd December 2022

2.4.19. The proposed 233uph density is therefore within the density range envisaged for the site within the Compact Settlement Guidelines (2024), as supported by policy SC10 of the DCDP 2022-2028.

Building Height

2.4.20. The proposed development comprises seven buildings in four blocks. The blocks are all seven storeys in height with additional height to the northern areas of Block A (fourteen storeys) and Blocks C and D (both ten storeys). Santry Place, to the south, is seven storeys in height. There is an extant permission for an SHD (ABP-307011-20) up to twelve storeys in height approx. 200 metres to the south of the site. Therefore, the proposed development, while relatively high, would not be exceptional in the context of the receiving environment.

2.4.21. On foot of the original SHD application third party observers set out concerns in relation to building height including that the proposed heights would materially contravene the development plan, that heights were excessive and out of character with the area, and that the provisions of specific planning policy requirement (SPPR) 3 of the Urban Development & Building Height Guidelines (2018) were not satisfied. Notwithstanding the removal of building height caps from the current development plan, as with the density issue, I consider it likely that similar concerns would be expressed in relation to building height if the application had been made in the context of the current DCDP 2022-2028 and relevant Guidelines. I do not consider that the current policy framework environment would give rise to any new issues in relation to building height.

2.4.22. The elected representatives of DCC also expressed concern in relation to the proposed building heights, and in particular the fourteen-storey element, for reasons including density, precedent, and the residential amenity of both existing and future residents. The material contravention of the plan was noted, and it was considered to be overdevelopment of the site. The Chief Executive's report dated 31st August 2022 considered the issue of building height in detail. All proposed blocks exceeded the maximum permissible height at this location (16 metres DCDP 2016-2022 limit with proposed heights ranging from 22.9 metres to 48.3 metres). The report noted the policy provisions of the Building Height Guidelines (2018) and the National Planning Framework in relation to building heights, both documents having been introduced since the DCDP 2016-2022 was adopted. Following detailed consideration the Chief

Executive's report concluded that the proposed development generally satisfied the criteria set out in section 3.2 of the Building Height Guidelines (2018) subject to, inter alia, a reduction in the height of Block A from fourteen storeys to eleven storeys with the top floor set back, and a reduction in the heights of Blocks D and E from ten storeys to seven storeys with the top floor set back as this would be in keeping with recently constructed and permitted development, would protect the special landscape character of the Demesne, and would allow for a less dominant scale of development. This comprised condition 2 of DCC's recommended conditions. Apart from the material contravention issue, which would no longer exist in relation to building heights, I do not consider that there is any new issue that may impact on the consideration of building height by the elected members of DCC, or the executive, that has not already been expressed⁸. The Building Height Guidelines (2018) were in place at the time of the submission of this SHD application, and they remain the relevant section 28 Guidelines.

2.4.23. Building height was addressed in section 11.2.2 of the original IR dated 2nd December 2022. The proposed building heights were considered at the scale of the city, at the scale of the district/neighbourhood/street, and at the scale of the site/building, in the context of the Building Height Guidelines (2018). The report's conclusion was that the proposed heights were acceptable in principle, and I agree with this conclusion. With regard to the Chief Executive's report in relation to building height I consider that reducing Blocks D and E to seven storeys in height would result in an unduly uniform seven storey development across both the proposed SHD and Santry Place resulting in limited visual interest, and the set-back seventh floors to Blocks D and E would result in an unbalanced streetscape along Santry Avenue and a diminution of the urban form. In addition, a roads junction adjacent to a large area of public parkland is an appropriate focal point location for the highest building in the vicinity in the context of the twelve-storey structure permitted adjacent to Omni shopping centre under ABP-307011-20.

2.4.24. The applicant considered that the Board may deem the proposed building height a material contravention of the DCDP 2016-2022 because the Plan identified a building height limit of 16 metres for residential development in this location. The IR concluded that the proposed SHD building height would comprise a material contravention of the

⁸ However I note that DCC granted permission for the LRD application on site which included a thirteen-storey Block A.

DCDP 2016-2022 but that this would be justified having regard to the provisions of section 37 (2)(b)(iii) of the Planning & Development Act, 2000 (as amended) i.e. with reference to the Building Heights Guidelines (2018).

2.4.25. While the DCDP 2022-2028 does not impose building height caps it contains a number of relevant policies e.g. policy SC14 (reference to the Building Height Guidelines (2018)), policy SC15 (supports an adequate mix of uses in proposals for larger scale developments), policy SC16 (recognises the predominantly low rise character of the city whilst also recognising the potential and need for increased height in appropriate locations), and policy SC17 (protect and enhance the skyline of the city and ensure that all proposals with enhanced scale and height have regard to identified criteria). Appendix 3 of the Plan sets out 'guidance on how to achieve appropriate and sustainable compact growth in the city and specifically, to ensure consistency with the Urban Development and Building Heights Guidelines for Planning Authorities (December 2018) and the SPPR's contained therein' (section 1.0).

2.4.26. The current Plan recognises the scope for increased building heights at key locations. Table 3 (Performance Criteria in Assessing Proposals for Enhanced Height, Density and Scale) of the appendix sets out 46 issues to be considered under ten objectives in assessing urban schemes of enhanced density and scale. The objectives refer to, inter alia, urban design principles such as promoting a sense of place and addressing the site context, providing appropriate legibility, continuity, enclosure of spaces, connectivity, attractive spaces, mixed uses and activities and sustainable buildings. These objectives generally overlap with criteria for the assessment of increased building heights in the Building Heights Guidelines (2018) and address the need to consider the layout and design of a development. While I set out and address these objectives in the following table, which relates to both increased building height and density, I note that similar issues have also been addressed in the original IR dated 2nd December 2022.

Table 1 – Performance Criteria in Assessing Proposals for Enhanced Height, Density and Scale – Appendix 3 of the DCDP 2022-2028

	Objective	Assessment
1	To promote development with a sense of	The site occupies a relatively prominent site at the junction of Santry Avenue and Swords Road. It is currently occupied by a builder's providers. The proposed development would

	place and character	<p>complement existing (Santry Place/Swiss Cottage) and permitted developments in terms of scale and increase the amount of commercial floorspace in the area which would activate and animate the streetscape in a manner that the existing use does not.</p> <p>The distinctive fourteen storey element at the junction would contribute towards placemaking and wayfinding.</p> <p>Building heights are higher to the north of the site which is the least sensitive position on site in terms of adjacent properties. To the south the building heights are seven storeys, matching the height of the adjacent Santry Place and therefore reducing potential for undue overbearing and sunlight/daylight impact. The increase in height to the north provides additional visual interest to the streetscape adjacent to the roads junction and close to the Demesne. The design approach is supported by the ADS submitted with the application.</p> <p>The linear building footprints reduce the mass and scale and provide new open spaces within the site while providing an appropriate built form along both roads resulting in an improved urban streetscape. The roadways along the eastern and southern boundaries also increase permeability in the area.</p> <p>Overall, I consider the proposed development would have its own sense of place and character and be distinctive in the Santry area.</p>
2	To provide appropriate legibility	<p>The proposed development would create new building lines and a new streetscape along the public road boundaries and it would also introduce new, varied building heights on site.</p> <p>The new frontages would address the streetscapes to the north and east and it has been designed having regard to</p>

		<p>the Santry Place development to the south in that open spaces and permeability in both developments relate to each other and create legibility and green corridors towards the Demesne. The new commercial floorspaces and the public open space allows the site to be used by the wider community in line with the neighbourhood facilities zoning.</p> <p>I am satisfied that the new heights, from seven storeys in the south adjacent to Santry Place to the greater heights to the north, avoid unduly abrupt transitions in scale and the greatest height at the north east corner would create a positive focal point for the locality.</p> <p>I consider appropriate legibility would result from the proposed development.</p>
3	To provide appropriate continuity and enclosure of streets and spaces	<p>The proposed development would significantly enhance the urban design context. The existing builder's providers building is low in height with external material storage and surface car parking areas and an overall negligible streetscape presence. The proposed development would create a significant localised built environment which would help to enclose streets/roadways, in particular Swords Road and the shared road to the south with Santry Place which already has seven storey buildings constructed adjacent to it. Car parking would largely be provided at basement level. Vehicular activity would be confined to the boundaries of the site with ease of movement through the site for pedestrians and cyclists.</p> <p>Public and communal open spaces are well overlooked and, as set out in the original IR dated 2nd December 2022, would receive adequate daylight and sunlight. As a result of site layout continuity with Santry Place in the provision of open space, continuity through the subject site would allow, for example, residents of Santry Place to access Santry Demesne without having to walk along Swords Road.</p>

		<p>I consider that the proposed development would not be unduly overbearing, while providing an appropriate level of enclosure. The Swords Road/Santry Avenue junction and the substantial Santry Demesne are open areas in immediate proximity that would reduce the impact of the scale and mass of the proposed development.</p> <p>The provision of various commercial spaces at ground floor level along the main public roads would generate street-level activity, animation, and visual interest.</p> <p>I consider that appropriate continuity is provided for in the proposed development and that streets and spaces are suitably enclosed.</p>
4	To provide well connected, high quality, and active public and communal spaces	<p>The proposed development allows connected and legible public spaces from Santry Place to the south, through the site, to Santry Demesne on the opposite side of Santry Avenue. Access would be opened to a previously private site. The layout provides a public open space area that visibly connects with that in Santry Place and the open space is well overlooked and receives adequate daylight and sunlight. Both the public and communal open space areas are removed from areas of vehicular movement.</p> <p>Several separate and distinct communal open space areas are proposed. There are two ground level spaces, a first-floor roof terrace above the ground floor residential amenity unit, and three roof terraces on Blocks A, C and F. These communal areas will all experience adequate sunlight and daylight access. Wind impacts were assessed in the original IR dated 2nd December 2022 and no significant issue in relation to same were noted.</p> <p>The non-residential proposed uses to the streets would also activate an area of new streetscape that does not currently experience this.</p>

		I consider that the proposed development would result in well connected, high quality, and active public and communal spaces.
5	To provide high quality, attractive and useable private spaces	<p>Each apartment unit has adequate private open space provision from ground floor terraces or above ground floor balconies.</p> <p>Separation and setback distances have been outlined in section 11.3.2 of the original IR dated 2nd December 2022 and I have also referred to same in paragraph 2.9.2 (SPPR 1), below.</p> <p>I consider that there are appropriate private open spaces within the proposed development.</p>
6	To promote mix of use and diversity of activities	<p>The proposed development includes a number of non-residential uses including a café, three commercial units, and a medical suite. These are all accessed off the public streets and would increase activity and animation of the area. The original IR dated 2nd December 2022 recommended, as condition 3(a), amalgamation of units for use as a childcare facility. The applicant also proposes a community use area on the ground floor of Block E. This is further addressed in subsection 2.5.</p> <p>The proposed development, as applied for, included 113 1-bed units, 218 2-bed units, and 19 3-bed units. The original IR dated 2nd December 2022, in relation to unit mix, considered the proposed mix to be acceptable. I agree with this conclusion. Notwithstanding, unit mix is also addressed in subsection 2.6.</p> <p>Objective 6 should be considered in conjunction with subsections 2.5 and 2.6 which address the proposed commercial, community, and residential unit mixes.</p>
7	To ensure high quality and	The original IR dated 2 nd December 2022 addressed in detail issues such as daylight, sunlight, and overshadowing

	environmentally sustainable buildings	<p>(section 11.3.3), dual frontage units (section 11.3.1; 53% of units are dual frontage), and overlooking (section 11.3.2, and I have also referred to same in paragraph 2.9.2, below).</p> <p>The development is located with public roads to the north and east, an industrial estate to the west, and Santry Place to the south. The original IR dated 2nd December 2022, in relation to daylight impact on Santry Place stated, in section 11.4.4.2, ‘... 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’. I accept the conclusions of the original IR that sunlight and daylight access are appropriate on site and there would not be an undue adverse impact on surrounding property.</p> <p>A number of relevant documents were submitted with the application such as:</p> <ul style="list-style-type: none"> • a ‘Universal Design Statement’ confirming that the design is compliant with Part M of the Building Regulations with regard to accessibility. • a ‘Site Specific Flood Risk Assessment’ which concludes that once flood risk mitigation measures are implemented they would be sufficient to provide a suitable level of protection and would not cause an increased risk of flooding to external properties. • an ‘Engineering Services Report’ which outlines the SuDS approach to stormwater management e.g. permeable pavements and green roofs. <p>I am satisfied that, should permission be granted, the proposed development would result in high quality and</p>
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		environmentally sustainable buildings including in relation to surface water management.
8	To secure sustainable density, intensity at locations of high accessibility	<p>The issue of density has been addressed in both the original IR dated 2nd December 2022 (in section 11.1.3) and previously in this subsection of this Addendum Report. The proposed density is consistent with the provisions of policies SC10 and SC11 of the Plan, is comfortably within the density range envisaged by the Compact Settlement Guidelines (2024) and it is less than the density of both existing (Swiss Cottage) and permitted (adjacent to the north east of Omni shopping centre) apartment developments in the vicinity. Therefore, I consider that the proposed density would be sustainable and could not be considered to be excessive in the context of the receiving environment.</p> <p>Existing public bus routes running along Swords Road include the numbers 16, 33, and 41, all of which provide good service. The N6 (Naomh Barróg GAA to Finglas) service runs along Santry Avenue. Permission has been granted for the BusConnects Swords to City Centre Bus Corridor Scheme along Swords Road which would improve bus transport in the coming years.</p> <p>In my opinion the proposed development would result in an appropriate and sustainable density appropriate to its location adjacent to a BusConnects route, would be in line with the Compact Settlement Guidelines (2024), and would be consistent with the densities of other existing and permitted developments in the vicinity.</p>
9	To protect historic environments from insensitive development	<p>The application was accompanied by both an Architectural Heritage Impact Assessment and an Archaeological Assessment.</p> <p>Issues of architectural heritage were thoroughly considered in the original IR dated 2nd December 2022 in sections</p>

		<p>11.2.1, 11.2.2, 11.12.2, and chapter 13 of the EIA. It was concluded that no undue adverse impact would occur, and an appropriate archaeology condition was recommended (condition 25).</p> <p>I am satisfied that there would be no undue adverse impact on the historic environment.</p>
10	To ensure appropriate management and maintenance	<p>The application was accompanied by several relevant documents including:</p> <ul style="list-style-type: none"> • a 'Building Life Cycle Report' which assesses long-term running and maintenance costs and outlines measures considered to effectively manage and reduce costs for the benefit of residents. • a 'Property Management Strategy' which describes the processes and practices to be implemented for the effective management of the proposed development. • a 'Mobility Management Plan' which aims to guide the delivery and management of several coordinated initiatives to encourage sustainable travel practices for all journeys to and from the proposed development. • an 'Operational Waste Management Plan' relating to the management of waste during the operational phase. <p>I also note that recommended condition 9 of the original IR dated 2nd December 2024 required submission of a Construction Environmental Management Plan (CEMP) for the construction phase, as would be a standard compliance condition.</p> <p>I consider the proposed development would be appropriately managed and maintained.</p>

2.4.27. Having regard to table 1, above, I consider that it has been demonstrated that the proposed development would be acceptable in terms of enhanced building height, density, and scale in the context of table 3 of appendix 3 of the DCDP 2022-2028.

2.4.28. The appendix also identifies key criteria which all proposals for increased urban scale and height must demonstrate. These criteria, with my comments on same, are:

- The potential contribution to the development of new homes, economic growth and regeneration in line with the compact urban growth principles set out in the NPF and Project Ireland 2040 – 350 apartments and several commercial units are proposed, and an underutilised brownfield site is to be redeveloped.
- Proximity to high quality public transport connectivity, including key public transport interchanges or nodes – While currently well served by the public bus network the site is also immediately adjacent to a proposed core BusConnects corridor.
- Proximity to a range of employment, services and facilities – Inter alia, the site is immediately adjacent to Santry Avenue Industrial Estate and is approx. 350 metres north of Omni Park Shopping Centre.
- Provision of adequate social and community infrastructure – The proposed development includes several commercial units including a medical suite, plus a community use unit of 188.1sqm (see also subsection 2.5). The original IR dated 2nd December 2022 recommended a childcare facility be provided and I concur.
- The availability of good walking, cycling and public transport infrastructure – The proposed development itself has limited walking or cycling infrastructure given its location and the site area. However, it is immediately adjacent to a BusConnects corridor.
- Appropriate mix of uses, housing typologies and tenures – The original IR dated 2nd December 2022 considered the mix of uses (section 11.1.2) and the housing typologies (section 11.1.4) to be acceptable. The report also considered the tenure type to be acceptable (page 54). I concur.
- The provision of high quality public open space and public amenities – Adequate public and communal open spaces are provided for on-site and it is laid out to connect with Santry Place. Santry Demesne is on the opposite side of Santry Avenue.

- The resilience of the location from a public access and egress perspective in the event of a major weather or emergency or other incidents – There are roads around all four site boundaries.
- That the ecological and environmental sensitivities of the receiving environments have been adequately assessed and addressed – An Environmental Impact Assessment Report (EIAR) was prepared for the application, and this was subject of an EIA in the original IR dated 2nd December 2022. AA was carried out in the original IR and I have updated same in relation to the North West Irish Sea SPA (see also section 4).
- Appropriate design response that considers the characteristics of the site, any development constraints and prevailing character – Building height has been addressed in detail previously in this subsection. The proposed development was robustly assessed in the original IR dated 2nd December 2022 in terms of, for example, design, materials, and finishes (section 11.2.3), layout and open space (section 11.2.4), residential standards for future occupiers (section 11.3), and potential impact on adjoining properties/land (section 11.4). The proposed development was considered to be acceptable in terms of the design response, and I agree.
- Adequate infrastructural capacity – No particular issue in this regard has been raised by either DCC or Uisce Éireann.

Having regard to the foregoing bullet points I consider that the proposed development is consistent with the key criteria which all proposals for increased urban scale and height must demonstrate, as per page 220 (appendix 3) to the DCDP 2022-2028.

- 2.4.29. Both policy SC17 and appendix 3 require a masterplan for any site over 0.5 hectares. ‘The masterplan should provide a vision for the development of the entire site area, including how new buildings, streets, blocks, pedestrian and cycling routes, parks, and publically [sic] accessible and private open spaces will fit within the existing and planned context. It should include urban design studies to inform the architectural approach and to allow for the early testing of open space quantum, sunlight, daylight, visual impact and wind effects’ (section 4.1 of the appendix).
- 2.4.30. I consider that this issue has been adequately addressed in the documentation submitted with the application. For example, page 4 of the submitted ADS states ‘The

redevelopment of the lands directly to the south of the site under the direction of the same design team has offered the opportunity to create a coordinated masterplan for the urban regeneration of the area that can provide meaningful connectivity between developments and into Santry Demesne'. Key design principles in section 3.1 of the ADS are also relevant as they illustrate the proposed development in the wider context of Santry Place and Santry Demesne. In addition, section 3.4 (Permeability) of the 'Design Rationale – Landscape Architecture' states that 'A key objective of the landscape strategy is to link the new development to the wider public realm of Santry. The proposed public open space connects to Santry Park to the north and Santry Place to the south, ensuring that the wider network of open space is perceived as one continuous public realm, accommodating complimenting uses and activities and contributing to the wider ecology. The landscape proposals for the site are in line with the general strategy for Santry Place [sic], collectively resulting in a coherent new neighborhood'. I consider that masterplan-type detail is adequately provided for in the application.

- 2.4.31. The original IR dated 2nd December 2022 also robustly considered the proposed development in the context of building height. It concurred with the applicant that, although the proposed heights would materially contravene the provisions of the DCDP 2016-2022, a material contravention of the Plan was warranted. The current DCDP 2022-2028 does not provide for a building height cap and therefore no material contravention of the current Plan in this regard would occur. However, it sets out a number of issues to be taken into consideration in assessing increased building heights and densities and I have addressed these above.

Conclusion

- 2.4.32. Subsection 2.4 of this Addendum Report considers the issues of density and building height in the context of the DCDP 2022-2028 i.e. the statutory Development Plan, and relevant guidance that has been adopted since the original IR dated 2nd December 2022 was prepared.
- 2.4.33. The policy framework at national, regional, and local level seeks to encourage higher densities at appropriate locations. While the subject site is currently operational as a builder's merchants, it is proposed to significantly intensify its use to a higher-density, mixed-use development which would be consistent with the neighbourhood centre

zoning in terms of land use and would also be consistent with the emerging pattern of development in the area.

- 2.4.34. The proposed development has a density of 233uph, similar to recently permitted and constructed developments in the vicinity. Policy SC11 and appendix 3 of the Plan require provision of sustainable densities and compact growth. Among the areas identified as being suitable for increased density are areas close to high frequency public transport. The site adjoins the Swords to City Centre Core Bus Corridor Scheme. Policy SC10 of the Plan states that the Plan should ensure appropriate densities with the Compact Settlement Guidelines (2024) which has a density range, at this location, of 50-250uph. Therefore, the proposed density is within the range required for the site as per policies SC10 and SC11 of the DCDP 2022-2028.
- 2.4.35. Having regard to table 1, above, which is based on the performance criteria in assessing proposals for enhanced, height, density, and scale set out in table 3 of appendix 3, it can be concluded that the proposed development, having specific regard to its 233uph density, performs well in the context of the criteria set out. The proposed development would result in high quality design and placemaking, it would be distinctive and appropriately legible, it would provide an appropriate urban form and would create new public open space areas, it would result in a sustainable density appropriate to its location along a public transport corridor, it would be consistent with the densities of other existing and permitted developments in the vicinity, and it would not have an adverse effect on the amenities of adjoining areas. The proposed density is a critical factor in enabling the proposed development to perform as well as it does in the context of appendix 3 of the Plan.
- 2.4.36. Table 1 also involves assessment of the proposed building height against the performance criteria as per table 3 of appendix 3. Further to this, I concur with the original IR dated 2nd December 2022 that the proposed building heights are acceptable at this location. The site is located adjacent to a permitted core BusConnects corridor, it is typical of the existing and permitted pattern of development in the vicinity, and it would be consistent with the requirements for higher buildings in terms of, for example, urban design, layout, permeability, and residential amenity. I consider that the proposed development would be consistent with policies SC14, SC15, SC16, and SC17 of the DCDP 2022-2028.

- 2.4.37. Having regard to the foregoing, I consider that the proposed SHD density and building heights are acceptable by reference to the current statutory Development Plan and relevant updated guidance, and no material contravention issue arises in terms of either density or building height.

2.5. Compliance with Objective CUO25 of the DCDP 2022-2028

- 2.5.1. Objective CUO25 states, in full.

‘All new regeneration areas (SDRAs) and large scale developments above 10,000 sq. m. in total area must provide at a minimum for 5% community, arts and culture spaces including exhibition, performance, and artist workspaces predominantly internal floorspace as part of their development at the design stage. The option of relocating a portion (no more than half of this figure) of this to a site immediately adjacent to the area can be accommodated where it is demonstrated to be the better outcome and that it can be a contribution to an existing project in the immediate vicinity. The balance of space between cultural and community use can be decided at application stage, from an evidence base/audit of the area. Such spaces must be designed to meet the identified need.*

**Such developments shall incorporate both cultural/arts and community uses individually or in combination unless there is an evidence base to justify the 5% going to one sector’.*

- 2.5.2. The cumulative gross floor area of the proposed SHD is 26,488sqm as per item 15 (c) of the application form. 5% of 26,488sqm is 1,324.4sqm. 188.1sqm has been provided as community use in the application, which comprises 0.71% of the proposed floor area. Therefore, the proposed community use floor area is insufficient in the context of objective CUO25, and to grant permission would comprise a material contravention of the Plan. As such, a recommendation to refuse permission on this basis will be forthcoming.
- 2.5.3. Seeking further information and the recirculation of same to the relevant parties is not provided for under the relevant SHD legislation. As it is a material contravention of the Plan it cannot be addressed by way of a condition. Notwithstanding, should the Board be of a mind to grant permission for the proposed development, it may consider addressing this issue by means of a limited agenda oral hearing under section 18 of the Planning & Development (Housing) Residential Tenancies Act, 2016.

2.5.4. In my opinion, providing the required community/arts and culture space required for this SHD application could be achieved without a fundamental re-design of the proposed development. Replacing ground floor apartments C05-C07, D01-D03, E01-E04, and F05-F07 (13 no. apartments) and their respective lobbies, and including the currently proposed 188.1sqm community room, would result in a floor area of 1,312.7sqm. With limited internal reconfiguration this could be increased to the 1,324.4sqm required. I also note as follows:

- The proposed café/commercial unit would be retained in the scenario set out above.
- The public open space would remain centrally located on site. The proposed community/arts and culture spaces could be accessed from public areas.
- While the DCC Chief Executive's report recommendation dated 31st August 2022 had cited apartments C02-C03 to be amalgamated to provide a childcare facility, condition 3(a) of the original IR dated 2nd December 2022 recommended that 'One or two units (size to be agreed with the planning authority) in Block A/B to be amalgamated to provide a childcare facility', because of the level of vacancy in recently permitted retail/commercial units. Provision of the additional community/arts and culture space would not affect the provision of the childcare facility.

2.5.5. Therefore, while the material contravention of objective CUO25 of the DCDP 2022-2028 can only be addressed by way of an oral hearing, I consider that the required floorspace could be internally re-organised without a fundamental redesign of the proposed SHD.

2.6. Unit Mix

2.6.1. The applicant considered that the Board may deem the proposed unit mix as a material contravention of the DCDP 2016-2022 because the Plan required a maximum of 25-30% one-bed units and a minimum of 15% three or more bed units as part of new apartment developments, neither of which were complied with in the application. The original IR dated 2nd December 2022 concluded that the proposed SHD unit mix would not comprise a material contravention of the DCDP 2016-2022.

- 2.6.2. In the current 2022-2028 Plan, apartment standards are set out in section 15.9. Outside of two areas of the city, the Liberties and the North Inner City, the SPPRs of the 'Sustainable Urban Housing: Design Standards for New Apartments (December 2020) ... or any other future amendment thereof', will apply in terms of unit mix.
- 2.6.3. The unit mix proposed in this application is 113 1-bed units, 218 2-bed units, and 19 3-bed units (350 units). Should it be required that some apartment units are removed in order to accommodate the required community, arts, and culture space as per the previous subsection, I am satisfied that a mix in accordance with the Sustainable Urban Housing: Design Standards for New Apartments (2023) can be achieved.
- 2.6.4. I concur with the original IR dated 2nd December 2022 that the housing/tenure mix is appropriate, as per the 'Appropriate mix of uses, housing typologies and tenures' bullet point in paragraph 2.4.28, and I consider that the proposed development would be consistent with policy SC12 of the current Plan which promotes a variety of housing and apartment types and sizes, tenure diversity and mix, and a distinctive sense of place in the wider area/neighbourhood. Coherent streets, open spaces, and community space would also result. Therefore, I have no concern in regard to unit mix in the SHD application and no material contravention issue arises.

2.7. Compliance with Policies CA10 and CA17 of the DCDP 2022-2028

- 2.7.1. Section 3.5.2 (The Built Environment) of the Plan sets out a number of relevant climate-related policies including policy CA10 which states as follows,

'All new developments involving 30 residential units and/or more than 1,000sq.m. of commercial floor space, or as otherwise required by the Planning Authority, will be required to submit a Climate Action Energy Statement as part of the overall Design Statement to demonstrate how low carbon energy and heating solutions, have been considered as part of the overall design and planning of the proposed development'.

- 2.7.2. While no specific Climate Action Energy Statement was submitted the issue is referenced in the EIAR submitted with the application. In chapter 8 (Air Quality and Climate), it is stated on page 199 that 'The Building Lifecycle Report prepared in relation to this assessment has been reviewed and used to inform the operational phase climate assessment. This report outlines a number of measures in relation to energy usage from the proposed development primarily in relation to heat and electricity. A number of measures have been incorporated into the overall design of

the development to reduce the impact to climate where possible'. It is stated on page 209 that '... the proposed development has been designed to reduce the impact to climate where possible, the following measures have been incorporated into the design of the development: The use of photovoltaics as a means of providing a renewable source of energy for the building is being considered along with the provision of electric vehicle (EV) charging points. The proposed development aims to be a "Near Zero – Energy Building" meaning it will have a very high energy performance and it will achieve at minimum a Building Energy Rating (BER) of A3. Overall these measures will aid in reducing the impact to climate during the operational phase of the proposed development'. No mitigation is proposed for the operation phase of the proposed development as it is predicted to have an imperceptible impact.

2.7.3. I am satisfied that the Building Life Cycle Report contains adequate detail in relation to, for example, BER, fabric energy efficiency, lighting, air source heat pumps, condensing boilers, and solar panels and that the absence of a specifically named document is not a material contravention of the current Plan.

2.7.4. Policy CA17 states,

'To support, encourage and facilitate the potential of district heating in Dublin City, all Climate Action Energy Statements submitted to the Council (see Policy CA10) shall include an assessment of the technical, environmental and economic feasibility of district or block heating or cooling, particularly where it is based entirely, or partially on energy from renewable and waste heat sources'.

2.7.5. Notwithstanding that I consider that adequate climate action energy information has been submitted in the application documentation, no reference is made to district heating as per policy CA17. The DCDP 2022-2028 implies that district heating is currently only available in the Docklands and Poolbeg areas and a connection is therefore not likely to be feasible. As such, I do not consider the absence of any commentary on district or block heating or cooling to be such an omission that permission should be refused. Notwithstanding, having regard to the interlinked provisions of policies CA10 and CA17 I consider that it would be appropriate, should a grant of permission issue for this application, that a condition be attached requiring submission of a Climate Action Energy Statement, to include an assessment of the feasibility of district or block heating or cooling.

2.8. Compliance with Policies SI23 and SI25 of the DCDP 2022-2028

- 2.8.1. Section 9.5.4 (Surface Water Management and Sustainable Drainage Systems (SuDS)) includes policy SI23 which states as follows,

‘To require all new developments with roof areas in excess of 100 sq. metres to provide for a green blue roof designed in accordance with the requirements of Dublin City Council’s Green & Blue Roof Guide (2021) which is summarised in Appendix 11’.

- 2.8.2. As per the Engineering Services Report dated June 2022 submitted with the application the proposal incorporates both intensive and extensive green roofs. Extensive green roofs are provided at roof level and intensive green roofs are provided on the podium slab. A 66% provision of extensive green roof is provided for according to section 3.3.9. It is shown on drawing no. 200060-X-91-X-DTM-DR-DBFL-CE-1001 submitted with the application. There is no reference to a blue roof in the application.

- 2.8.3. Appendix 11 (Appendix 11: Technical Summary of Dublin City Council Green & Blue Roof Guide (2021)) of the DCDP 2022-2028 identifies what constitutes a green blue roof and sets out a series of requirements which will be considered in the assessment of planning applications. The appendix states that green roofs which provide attenuation of rainfall on the roof/podium deck is the approach preferred by DCC. Table 1 states that the minimum coverage of an extensive roof area being developed is 70% and the minimum coverage of an intensive roof area being developed is 50%. There are limited situations where an exemption from green blue roof will be considered.

- 2.8.4. Policy SI25 states,

‘To require the preparation of a Surface Water Management Plan as part of all new developments in accordance with the requirements of Appendix 13 – the Council’s Surface Water Management Guidance’.

- 2.8.5. Though no Surface Water Management Plan was submitted with the application, relevant detail was submitted in the Engineering Services Report. However, a green/blue roof was not included. I do not consider that the addition of a green blue roof would result in a fundamental change to the SHD application submitted, or to the surface water/SuDS system proposed, and in my opinion the provision of such a system is feasible for this development. However, it would broaden the extent of SuDS on site. Given this, I consider it appropriate that, should a grant of permission issue for

this planning application, a condition be attached for revised proposals for a blue green roof to be agreed with the planning authority, and that a Surface Water Management Plan be submitted.

2.9. Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024)

2.9.1. These Guidelines replaced the Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities (2009) which were in place at the time the SHD application was made, and which are referenced in the original IR dated 2nd December 2022. Relevant issues relating to density have been addressed in subsection 2.4. Commentary on quality urban design and placemaking is contained in section 4 of the Guidelines. The original IR has addressed issues such as design strategy, scale and massing, external finishes, layout and open space, works to the public realm, and social infrastructure and I do not consider that the proposed SHD fundamentally departs from any of these provisions of the current Guidelines.

2.9.2. The 2024 Guidelines contain four SPPRs as follows:

SPPR 1 – This states, inter alia, that above ground floor separation distances of 16 metres between opposing windows serving habitable rooms shall be maintained with no minimum separation at ground floor. The only area on site where an above ground floor separation of less than 16 metres occurs is between Blocks D and E where there are separation distances of 12-14 metres between a primary and two inaccessible secondary balconies, the same two secondary balconies and habitable room windows, and between one kitchen/living area and an opposing bedroom. Apartments D08, E10, and E11, and the apartments above them, are affected. However, suitable privacy measures have been incorporated (inaccessible balconies and north facing/angled bedroom windows to the Block E apartments) and I am satisfied undue overlooking of habitable rooms would not occur. I consider the application to be consistent with SPPR 1.

SPPR 2 – As this relates to minimum private open space standards for houses it is not relevant to this SHD application.

SPPR 3 – This relates to car parking and states, inter alia, that in urban neighbourhoods of the five cities, car-parking provision should be minimised, substantially reduced, or wholly eliminated. This SHD application proposes a rate of

car parking of 209 spaces for 350 apartments (a ratio of approx. 0.6)⁹, so it is consistent with this SPPR.

DCC had expressed no concern with this ratio. In the DCDP 2016-2022, the site was in area 3 for car parking purposes i.e. not in the inner-city or alongside a transport corridor. The Plan had a maximum standard of 1.5 space per dwelling. In the DCDP 2022-2028 the site is identified as being in zone 2 for car parking (alongside key public transport corridors; BusConnects appears to be the reason for the change). The maximum car parking standard is one space per dwelling. Therefore, the proposed development is closer to the maximum car parking standard under the current Plan than it was under the previous Plan. I consider that the car parking provision is appropriate.

SPPR 4 – This relates to the quantity and design of cycle parking and storage and an appropriate condition can be attached to any grant of permission that may issue.

- 2.9.3. Having regard to the foregoing, I consider that the proposed SHD would be consistent with the relevant provisions of the Compact Settlement Guidelines (2024).

2.10. Sustainable Urban Housing: Design Standards for New Apartments (2023)

- 2.10.1. These have been referenced previously in this Addendum Report in the context of density and unit mix.
- 2.10.2. For all relevant SPPRs i.e. the number of one-bed/studio apartments, minimum apartment floor areas, dual aspect, ground level floor to ceiling heights, and the number of apartments per floor per core, and the required minimum floor areas and standards set out in appendix 1, the 2023 Guidelines are the same as the 2020 Guidelines referenced in the original IR dated 2nd December 2022. There has been no material change in this regard and therefore these updated Guidelines do not affect the assessment of the apartments as contained in the original IR.

⁹ This ratio would slightly change to 0.62 car parking spaces per apartment should the number of units be reduced to 337 as per subsection 2.5.

3.0 Other Issues

- 3.1. Though not sought or referenced in the Board direction I consider that the following issues are relevant in terms of briefly describing the wider planning environment in terms of how it has changed since the original IR dated 2nd December 2022 was prepared.

Planning Applications

- 3.2. The following notable applications have been made/decided¹⁰:

On Site

PA Reg. Ref. LRD6044/24-S3A / ABP-320106-24 – On 23rd October 2024, following a third party appeal of a grant of permission by DCC, the Board granted permission for an LRD comprising demolition of the existing building and construction of 321 no. apartments (104 no. 1-bed units, 198 no. 2-bed, and 19 no. 3-bed units) in four seven to thirteen storey buildings, over basement level, with three retail units, a medical suite/GP practice unit and community/arts and culture space etc. No height reduction was conditioned by the Board.

Along Swords Road on the Eastern Boundary

ABP-317121-23 – In 2024 permission was approved for the BusConnects Swords to City Centre Bus Corridor Scheme.

Opposite Side of Swords Road

PA Reg. Ref. LRD6053/24-S3A – On 30th September 2024 DCC granted permission for demolition of existing buildings and construction of a mixed-use development comprising a single five to eight storey block of 268 purpose-built student accommodation bedspaces and a café etc. on an approx. 0.24 hectare site. One floor was removed by condition reducing the maximum height to seven storeys. An appeal to the Board (ABP-321146-24) was withdrawn on 5th November 2024.

Adjacent to the South West (Santry Place)

¹⁰ The planning history section of the Inspector's report included ABP-314458-22, an SHD application for 457 no. apartments etc. at the north west corner of Omni Park Shopping Centre. No decision has been made on this application to date.

PA Reg. Ref. 2713/17/X1¹¹ – In 2023 DCC granted permission for an extension of duration of 2713/17 until 26th August 2026. On my site inspection construction was ongoing.

Climate Action Plan (CAP) 2024

- 3.3. The CAP 2024 has replaced the CAP 2021 which was cited in the recommended Board order contained in the original IR dated 2nd December 2022. Given the development location on a brownfield site adjacent to a permitted BusConnects core bus corridor I consider that the principle of the proposed SHD remains consistent with the broad theme of the 2024 CAP.

National Biodiversity Action Plan 2023-2030

- 3.4. This Plan has also been introduced since the original IR dated 2nd December 2022 was prepared. Though the site itself is currently of negligible biodiversity value the proposed development would create landscaped open spaces and planted areas.

4.0 Appropriate Assessment (AA)

- 4.1. AA was carried out in section 13.0 of the original IR dated 2nd December 2022. It did not include North West Irish Sea SPA because this European site did not exist at the time the applicant's AA Screening Report was prepared or the screening assessment was carried out by the Inspector. Therefore, I have undertaken an additional screening exercise in relation to this SPA which is set out in appendix 1 to this Addendum Report. The appendix should be read in conjunction with the AA screening carried out in the original IR.
- 4.2. Further to my additional AA screening, in accordance with section 177U (5) of the Planning & Development Act, 2000 (as amended) and on the basis of objective information, I conclude that the proposed development would not have a likely significant effect on any European site either alone or in combination with other plans or projects. It is therefore determined that AA (stage 2) under section 177V of the Planning & Development Act, 2000 (as amended) is not required.

This conclusion is based on:

¹¹ 2713/17 is included in the planning history outlined in the previous Inspector's report.

- objective information presented in the Appropriate Assessment Screening Report,
 - the zone of influence of potential impacts, which does not include North West Irish Sea SPA (site code 004236), and,
 - the nature of the site which is not an ex-situ site for SCI species.
- 4.3. No measures intended to avoid or reduce harmful effects on European sites were taken into account in reaching this conclusion.
- 4.4. Notwithstanding, I acknowledge that the North West Irish Sea SPA was not included for consideration in the AA Screening Report dated 30th May 2022. Therefore, if the Board decides to hold an oral hearing for this application, I recommend that this issue forms part of a limited agenda for same, as this is a new issue.

5.0 Conclusion

- 5.1. The Board received a planning application for a housing scheme under section 4(1) of the Planning & Development (Housing) Residential Tenancies Act (2016). This Addendum Report should be read in conjunction with the original IR on file dated 2nd December 2022.
- 5.2. I have considered the proposed development in the context of the current DCDP 2022-2028 and relevant updated guidance that has been introduced since the original IR was prepared, as required by Board Direction BD-017235-24.
- 5.3. The primary issue for the application is the lack of compliance with objective CUO25 of the DCDP 2022-2028. As this is a new issue, and as the Board is precluded from seeking further information and recirculating same to relevant parties because it is an SHD application, if the Board is of a mind to grant permission, I consider a limited agenda oral hearing is the appropriate mechanism to do this. This is a decision for the Board in line with section 18 of the Planning & Development (Housing) Residential Tenancies Act, 2016.
- 5.4. Should the Board decide that a limited agenda oral hearing is appropriate in relation to objective CUO25, I recommend that two other issues are also included on the agenda i.e. the Basement Impact Assessment and updated AA in relation to the North West Irish Sea SPA.

- 5.5. I consider that other issues that have arisen in this Addendum Report on foot of the DCDP 2022-2028 e.g. the Climate Action Energy Statement, green blue roofs / the Surface Water Management Plan, the Car Park Management Plan, the provision of a piece of public art, an increase in the amount of fully functioning EV charging points from 10% to 50%, and an increase in the number of motorcycle parking spaces from nine to ten, can be addressed by way of compliance conditions should the application be granted on foot of an oral hearing.
- 5.6. I consider that the proposed development remains consistent with relevant updated section 28 guidance i.e. Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024) and the Sustainable Urban Housing: Design Standards for New Apartments (2023).
- 5.7. Having regard to the foregoing, and notwithstanding that an oral hearing can be held by the Board should it be of a mind to grant permission, given that the proposed development would materially contravene objective CUO25 of the DCDP 2022-2028, I am recommending a refusal of permission.
- 5.8. This conclusion should be read in conjunction with both the original IR dated 2nd December 2022 and the other sections of this Addendum Report.

6.0 Recommendation

- 6.1. Having regard to the above, and to the content of the original IR dated 2nd December 2022, I recommend that permission be refused for the reason set out below.

7.0 Reason for Refusal

1. Objective CUO25 of the Dublin City Development Plan 2022-2028 requires that large scale developments over 10,000sqm must provide at a minimum for 5% community, arts, and culture spaces as part of the development. The proposed development does not provide for such floor area. The proposed development, therefore, would materially contravene objective CUO25 of the Dublin City Development Plan 2022-2028 and would be contrary to the proper planning and sustainable development of the area.

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

Anthony Kelly

Planning Inspector

18th November 2024

Appendix 1

Appropriate Assessment (AA) Stage 1

As set out in section 4, AA screening has already been carried out in the original IR dated 2nd December 2022 for South Dublin Bay SAC, North Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA, and North Bull Island SPA. This appendix relates solely to AA screening in the context of North West Irish Sea SPA (site code 004236) which was designated after the planning application was lodged and the original IR dated 2nd December 2022 was prepared.

Appropriate Assessment Stage 1 – Screening Determination
<p>Description of the project</p> <p>I have considered the proposed development in light of the requirements of section 177U of the Planning & Development Act, 2000 (as amended).</p> <p><u>Subject site</u></p> <p>The subject site is a brownfield, urban site currently occupied by a builder's providers with external storage and car parking areas in the northern area of Dublin city.</p> <p><u>Proposed development</u></p> <p>It is proposed to demolish the existing structure on site and construct 350 apartments, five commercial units, a community unit etc.in seven blocks/four buildings ranging in height from seven to fourteen storeys. Wastewater is to be discharged to the public system. Surface water from the site discharges via the public network to the Santry River which is approx. 700 metres to the north. The river outfalls to the marine environment. North West Irish Sea SPA is approx. 8.6km to the east of the site but it is not located at or adjacent to the Santry River outfall at Dublin Bay.</p> <p><u>Submissions and observations</u></p> <p>Issues raised by observers in relation to AA are summarised in section 7.0 of the original IR dated 2nd December 2022 under the subheading of 'Appropriate Assessment (AA)'. AA was not an issue raised by any of the prescribed bodies. DCC's Chief Executive's Report dated 31st August 2022 states, in relation to AA, that it is a matter for the Board to consider, as the competent authority for the application.</p>
<p>Potential impact mechanisms from the project</p> <p><u>Site surveys</u></p> <p>The AA Screening Report submitted with the planning application states that a habitat survey was carried out on 13th May 2021. The dominant habitat on site was buildings and artificial surfaces, with limited areas of hedgerows, treelines, and mosaics of recolonising bare ground and dry meadows and grassy verges. Further to my site inspection, I am satisfied that the habitat survey continues to reflect the site conditions.</p> <p><u>European sites</u></p> <p>Table 1 of the applicant's AA Screening Report identified 15 European sites within a precautionary 15km zone of interest (Zoi). Four of these were considered to have a relevant source-pathway-receptor link (South Dublin Bay SAC, North Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA, and North Bull Island SPA).</p>

North West Irish Sea SPA was not considered in the submitted AA Screening Report, or in the original IR dated 2nd December 2022, because it was not designated until 2023.

Effect mechanisms

I consider that the only possible effect mechanisms to North West Irish Sea SPA are those indirect impacts identified in the submitted AA Screening Report i.e. weak hydrological pathways via surface water discharges from the site to the public surface water system during the construction phase and discharges from Ringsend WwTP into Dublin Bay. The site does not provide ex-situ habitat for the special conservation interest species of the SPA.

European sites at risk (As previously set out this AA screening only considers North West Irish Sea SPA as all other European sites were included in the AA screening carried out in the original IR dated 2nd December 2022).

Table 1 – European site at risk from impacts of the proposed project

Effect mechanism	Impact pathway	European site	SCI features at risk
A) Surface water pollution during construction phase	Indirect impact via a hydrological pathway	North West Irish Sea SPA (site code 004236)	Red-throated diver [[A001] Great northern diver [A003] Fulmar [A009] Manx shearwater [A013] Cormorant [A017] Shag [A018]
B) Discharges from Ringsend WwTP	Indirect impact via the foul network and marine environment		Common scoter [A065] Little gull [A177] Black-headed gull [A179] Common gull [A182] Lesser black-backed gull [A183] Herring gull [A184] Great black-backed gull [A187] Kittiwake [A188] Roseate tern [A192] Common tern [A193] Arctic tern [A194] Little tern [A195] Guillemot [A199] Razorbill [A200] Puffin [A204]

The North-west Irish Sea SPA constitutes an important resource for marine birds. The estuaries and bays that open into it along with connecting coastal stretches of intertidal and shallow subtidal habitats, provide safe feeding and roosting habitats for waterbirds throughout the winter and migration periods. These areas, along with more pelagic marine waters further offshore, provide additional supporting habitats (for foraging and other maintenance behaviours) for those seabirds that breed at colonies on the north-west Irish Sea's islands and coastal headlands. These marine areas are also important for seabirds outside the breeding period.

Likely significant effects on the European site 'alone'

Table 2: Could the project undermine the conservation objectives 'alone'

European site and qualifying features (North West Irish Sea SPA)	Conservation objectives	Could the conservation objectives be undermined (Y/N)?	
		Effect A	Effect B
Red-throated diver [[A001] Great northern diver [A003] Fulmar [A009] Manx shearwater [A013] Cormorant [A017] Shag [A018] Common scoter [A065] Little gull [A177] Black-headed gull [A179] Common gull [A182] Lesser black-backed gull [A183] Herring gull [A184] Great black-backed gull [A187] Kittiwake [A188] Roseate tern [A192] Common tern [A193] Arctic tern [A194] Little tern [A195] Guillemot [A199] Razorbill [A200] Puffin [A204]	15 SCIs have, as their conservation objective, to maintain its favourable conservation objective i.e. A001, A003, A013, A065, A177, A179, A182, A183, A187, A192, A193, A194, A195, A199, and A200. Six SCIs have, as their conservation objective, to restore its favourable conservation objective i.e. A009, A017, A018, A184, A188, and A204.	N	N

Effect Mechanism A (surface water pollution during construction phase)

In terms of hydrological connectivity from Santry River, it is over 13km to the European site over both surface water (approx. 6.6km in length) and marine environments (approx. 6.5km in length) and the possibility of any impact on North West Irish Sea SPA from surface water discharge from the site is not at all likely.

Effect Mechanism B (Discharges from Ringsend WwTP)

Similarly, foul water from the development site would discharge to the public system and would be appropriately treated at Ringsend WwTP. The subject development would contribute a negligible additional loading to the WwTP. I do not consider that there would be any likelihood of an impact on North-West Irish Sea SPA which is approx. 2.2km from the WWTP outfall, across the marine environment.

Conclusion

I conclude that the proposed development would have no likely significant effect 'alone' on any SCI species of North West Irish Sea SPA and, as such, I also conclude that it would have no likely significant effect in combination with other plans and projects on the SPA. No further assessment is required for the project.

Overall Conclusion – Screening Determination

In accordance with section 177U (5) of the Planning & Development Act, 2000 (as amended) and on the basis of objective information, further to and in conjunction with the AA screening carried out in the original IR dated 2nd December 2022, I conclude that the proposed development would not have a likely significant effect on any European site either alone or in combination with other plans or projects. It is therefore determined that AA (stage 2) under section 177V of the Planning & Development Act, 2000 (as amended) is not required.

This conclusion is based on:

- objective information presented in the Appropriate Assessment Screening Report,
- the zone of influence of potential impacts, which does not include North West Irish Sea SPA (site code 004236), and,
- the nature of the site which is not an ex-situ site for SCI species.

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