



An
Bord
Pleanála

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

Inspector's Report ABP-314386-22

Strategic Housing Development	156 residential units in two blocks and all associated site works.
Location	Site 10, Mayne River Avenue, Northern Cross, Malahide Road, Dublin 17.
Planning Authority	Dublin City Council
Applicant	Camgill Property a Tri Limited
Prescribed Bodies	<ol style="list-style-type: none">1. Irish Water (IW)2. Dublin Airport Authority (DAA)3. Inland Fisheries Ireland (IFI)4. Transport Infrastructure Ireland (TII)
Observer(s)	None

Date of Site Inspection

28th October 2022

Inspector

Paul O'Brien

Contents

1.0 Introduction	4
2.0 Site Location and Description.....	4
3.0 Proposed Strategic Housing Development.....	7
4.0 Planning History.....	10
5.0 Section 5 Pre-Application Consultation.....	12
6.0 Relevant Planning Policy.....	16
7.0 Third Party Submissions.....	21
8.0 Planning Authority Submission.....	21
9.0 Prescribed Bodies.....	36
10.0 Assessment.....	37
11.0 Appropriate Assessment.....	77
12.0 Environmental Impact Assessment Screening	80
13.0 Recommendation	96
14.0 Reasons and Considerations	97
15.0 Recommended Draft Order	98
16.0 Conditions	105

1.0 Introduction

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

2.0 Site Location and Description

2.1. The subject site with a stated area of 0.76 hectares, comprises lands to the north western part of the Northern Cross Development, Dublin 17, approximately 8 km to the north east of Dublin City Centre. The mixed use northern cross development is located to the west of the R107/ Malahide Road and to the north of the R139 road. The R139 connects Donaghmede/ Clare Hall to the east with the M50/ M1 to the west. The site is located to the south of the Mayne River and is located within the Dublin City area, just to the south of the Fingal County Council area with the river forming the separation between the two areas.

2.2. The site was previously in use as a temporary car park but is now in use as a construction compound for other development in the immediate area (described in the applicant's documents as a compound for Block 2 of the Northern Cross development). The boundary consists of a mix of temporary hoarding and fencing with mature trees located to the northern side. A riparian corridor is located along the northern boundary/ along the Mayne River.

2.3. Adjoining uses consist of Bewleys production centre/ head office to the south west, an office block to the south, occupied by Walls Construction, and the rest of the northern cross development consists of a mix of residential, commercial, retail, childcare facilities, and nursing home uses.

2.4. A variety of bus routes serve the area and I have summarised them in the following table:

Route (operated by):	Location/ Walking distance from site:	From	To	Frequency – Off Peak Weekday

15 (Dublin Bus)	Temple View Rise Stop – R139: 690 m to south east	Clongriffin	Ballycullen via City Centre	Every 10 minutes. Operates 24 hours a day with a 30-minute frequency from Midnight to 6 am.
27 (Dublin Bus)	Temple View Rise Stop – R139: 690 m to south east	Clare Hall (this is the first stop)	Jobstown via City Centre and Walkinstown	Every 10 minutes.
27X (Dublin Bus)	Temple View Rise Stop – R139: 690 m to south east	Clare Hall (this is the first stop)	UCD via City Centre	2 in AM Peak to UCD and 1 in PM Peak from UCD
42 (Dublin Bus)	Balgriffin, Malahide Road – 576 m to the north east	Portmarnock (Sand's Hotel) via Malahide	City Centre	Every 30 minutes.
43 (Dublin Bus)	Balgriffin, Malahide Road – 576 m to the north east	Swords Business Park	City Centre via Feltrim	Approximately an hourly service

2.5. All routes can be accessed at the Clare Hall Shopping Centre stop and which is approximately 714 m to the south/ south east of the subject site. The listed stops in the above table are the nearest to the subject site at present (October 2022). No bus routes currently serve the R139 westwards, though a shuttle bus service operates from the Hilton Hotel to Dublin Airport, it is not clear if the public can use this service.

2.6. Clongriffin railway station is located circa 2.35 km to the east of the subject site. Off peak service frequency is approximately three northbound DARTs to Malahide and three southbound to the City Centre, all continuing to Bray with one

extending to Greystones. The 15 bus provides a link between Clare Hall Shopping Centre and Temple View Rise to Clongriffin.

2.7. Under Bus Connects, there is proposed to be a significant revision to the local bus network, and I have summarised this in the following table.

Bus Route	Nearest Stop	From	To	Frequency – Off Peak Weekday
20	Balgriffin, Malahide Road – 576 m to the north east	Malahide	City Centre	Every 30 minutes
21	Balgriffin, Malahide Road – 576 m to the north east	Seatown Malahide	City Centre	Every 30 minutes
D Spine (D1, D2, D3)	Temple View Rise – 690 m to the South East or Clare Hall SC – 714 m to the south/ south east	D1/ D3 – Clongriffin D2 – Clare Hall	D1 – Foxborough/ Lucan D2 – Citywest D3 – Deansrath All via the City Centre	Each operate every 15 minutes providing 12 buses an hour from Clare Hall SC.
L80	Temple View Rise – 690 m to the South East	Clongriffin Station	DCU	Every 20 to 40 minutes.
N8	Temple View Rise – 690 m to the South East	Clongriffin Station	Blanchardstown Shopping	Every 30 minutes

			Centre via Dublin Airport	
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Note: This is only indicative as changes are made as the NTA implements this revised network. Bus stop locations may also change and there may also be a difference of bus operator.

3.0 Proposed Strategic Housing Development

3.1. The proposal, as per the submitted public notices, comprises the construction of 2 no. blocks (blocks 10A and 10B) providing for 156 residential units. Block 10A will range in height from part eight and part ten storeys (maximum height of 34.5 m from ground level to top of equipment room/ lift shaft) and Block 10B is part ten and part eleven storeys (maximum height of 41.1 m to top of equipment room/ lift shaft).

The following tables set out some key elements of the proposed development:

Table 1: Key Figures

Gross Site Area	0.76 hectares
Site Coverage	0.217 hectares – 28%
Plot Ratio	1.90
No. of Houses	0
No. of Apartments	156
Total	156
Density – Total Site Area	205 units per hectare
Public Open Space Provision	2,176 sq m
Communal Open Space	1,138 sq m
Car Parking –	
Basement	45
Surface	40
Car Club	4

Accessible	5
Total	94
Bicycle Parking	322

Table 2: Unit Mix

	Bedrooms		
Block	1 Bed	2 Beds	Total
10A	32	39	71
10B	43	42	85
Total	75 – 48%	81 – 52%	156 – 100%

- The total internal gross floor area is stated to be 14,473 sq m and the building footprint is stated to be 1,646.5 sq m.
- The Vehicular access to the site is to the east from the existing road serving Blocks 4 and 6. This provides a direct connection to the Malahide Road. The junction with the Malahide Road is left in/ left out only.
- Water supply and foul drainage connections to the existing public network will be provided.
- Public open space is proposed around the site

3.2. The application was accompanied by various technical reports and drawings, including the following:

- Planning Report & Statement of Consistency with Planning Policy – John Spain Associates
- Material Contravention Statement – John Spain Associates
- Statement of Response to ABP’s Opinion – John Spain Associates
- Northern Cross Masterplan Report – John Spain Associates
- Part V Package – John Spain Associates
- Social & Community Infrastructure Audit – John Spain Associates
- Architectural Design Statement – JSA Architects
- Building Lifecycle Report – JSA Architects

- Building Materials Report – JSA Architects
- Infrastructure Report - Barrett Mahony Consulting Engineers
- Outline Car Park Management Strategy - Barrett Mahony Consulting Engineers
- Residential Travel Plan – Barrett Mahony Consulting Engineers
- Traffic Impact Assessment – Barrett Mahony Consulting Engineers
- DMURS Compliance Statement – Barrett Mahony Consulting Engineers
- Site Specific Flood Risk Assessment – Barrett Mahony Consulting Engineers
- Parking and Mobility Management Plan – Barrett Mahony Consulting Engineers
- Quality Audit – PMCE
- Response To Quality Audit – Barrett Mahony Consulting Engineers
- Outline Construction and Demolition Waste Management Plan – Barrett Mahony Consulting Engineers
- Public Transport Capacity Study – Transport Insights
- Arboricultural Inventory and Impact Assessment – Murray & Associates
- Landscape & Visual Impact Assessment – Murray & Associates
- Landscape Design Statement – Murray & Associates
- Energy Strategy and BER Report – J.V. Tierney & Co.
- External Lighting Strategy – J.V. Tierney & Co.
- Glint & Glare Analysis Report - J.V. Tierney & Co.
- Site Utilities Infrastructure Report - J.V. Tierney & Co.
- Screening Report for Appropriate Assessment and Natura Impact Statement - Biosphere Environmental Services
- Environmental Impact Assessment Screening Report - Enviroguide Consulting
- Archaeological Assessment – IAC Archaeology
- Statement in accordance with Article 299B(1)(b)(ii)(II)(C) – Enviroguide Consulting
- CGI and Photomontage Brochure – Digital Dimensions
- Daylight & Sunlight Assessments – Digital Dimensions
- Terrestrial Ecology Report - Biosphere Environmental Services
- Microclimate Impact Assessment Report – TMS Environmental Ltd.

- Noise & Vibration Impact Assessment Report – Redkite Environmental
- Proposed Operational Waste Management Plan - Kevin Carron Property Consultants Ltd.
- Telecommunications Report - Independent Site Management Limited

4.0 Planning History

Subject site:

PA Ref. 2409/14 refers to a June 2014 decision to grant permission for the provision of 207 car parking spaces and all associated site works, to serve Block E of the City Junction Business Park. Condition no. 2 states:

‘This Planning Permission is granted for a limited period of 5 years from the date of this grant at which date the Permission shall cease and the use hereby approved shall cease and the land returned to its former state unless a further Permission has been granted before the expiry of that date. Reason: In the interests of the proper planning and development of the area, and so that the effect of the development may be reviewed having regard to the circumstances then prevailing’.

PA Ref. 3975/19/ ABP Ref. 308761-20 refers to a May 2021 decision to refuse permission for the retention & permission for a car park for a further 5 years. Two reasons for refusal were issued as follows:

1. ‘The site is located within an existing and largely developed area of land with a Z14 zoning designation with the Clongriffin-Belmayne Area, identified as a Strategic Development and Regeneration Area 1 (SDRA 1) growth area within the city. It is considered that the retention and continued use of the site as a surface car park is a substandard and unsustainable use of a zoned and service site which is not consistent with the planning history of the site and adjoining lands or the Z14 zoning designation. It is not considered that any exceptional circumstances apply to justify the continued use of this land as car parking beyond the already permitted five-year temporary permission. The retention and continuation of the use would therefore be contrary to the policies and objectives of both the Dublin City Development Plan 2016-2022 and the Clongriffin-Belmayne Local Area Plan 2012-2022 and would be contrary to the proper planning and sustainable development of the area’.

2. 'It is considered that the retention of the site for carparking would result in an excess of carparking spaces in the area over and above the maximum permitted in table 16.1 of the Dublin City Development Plan 2016-2022 and would be contrary to policies MT2, MT13, MT15, MT16 and MT21 of the Development Plan with regard to promoting a modal shift from private car use towards sustainable transport policies. It is not considered that exceptional circumstances apply to permit an exemption to these policies and guidelines figures. The proposed development would, therefore, be contrary to the guidelines and policies set out in the Dublin City Development Plan 2016-2022 and would thus be contrary to the proper planning and sustainable development of the Clongriffin-Belmayne area'.

Adjoining Lands:

ABP Ref. 307887-20 refers to a December 2020 decision to grant permission for 191 no. apartments and associated site works. This refers to the lands to the east of the subject site – known as Site/ Block 2.

P.A. Ref. 2200/07 refers to a September 2007 decision to grant permission for 107 no. apartments in a single block with a height up to 7 storeys over basement and lower basement structures on lands immediately adjoining the subject site to the east, known as at Northern Cross Site 2. No work commenced on site and a subsequent application was made under ABP Ref. 307887-20.

ABP Ref. 314408-22 refers to an application for the demolition of Rosemount House, an office block, and for the construction of 176 apartment units on the lands to the south of the subject site. This application was lodged after the subject application and no decision has been made to date. As indicated throughout my report, the applicant has had regard to the proposal for the development of the Rosemount House site.

The applicant provides a more comprehensive planning history in their 'Planning Report & Statement of Consistency with Planning Policy', prepared by JSA. I have only listed those that are most relevant to this site.

5.0 Section 5 Pre-Application Consultation

5.1. A Section 5 Pre-Application Consultation took place, remotely via Microsoft Team due to Covid-19 restrictions in place, on the 21st of April 2022; Reference ABP-312108-21 refers. Representatives of the prospective applicant, the Planning Authority and An Bord Pleanála attended the meeting. The development as described was for the construction of 156 no. apartments and associated site works at Northern Cross, Malahide Road, Dublin 17.

5.2. An Bord Pleanála was of the opinion having regard to the consultation meeting and the submission of the Planning Authority, that the documents submitted with the request to enter into consultation constitute a reasonable basis for an application for strategic housing development. Furthermore, pursuant to article 285(5)(b) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant was notified that, in addition to the requirements as specified in articles 297 and 298 of the Planning and Development (Strategic Housing Development) Regulations 2017, the following specific information should be submitted with any application for permission:

1. Notwithstanding that the proposal constitutes a reasonable basis for an application the prospective applicant is advised to address the following in the documents submitted:
 - a) Further consideration and/or justification of the documents as they relate to the design and layout of the proposal having regard to the need to ensure no significant overlooking on the currently under construction Site 2 building. This further consideration may require amended to the design and layout of the apartments and /or reconfiguration of the blocks.
2. Submission of Additional Computer-Generated Images (CGIs) and visualisation/cross section drawings illustrating the visual impact of the proposed development in the context of the impact on the permitted and proposed apartment blocks in the vicinity of the site.
3. A report that specifically addresses the proposed materials and finishes to the scheme including specific detailing of finishes, the treatment of balconies in the apartment buildings, landscaped areas, pathways, entrances, boundary

treatment/s. Particular regard should be had to the requirement to provide high quality and sustainable finishes and details which seek to create a distinctive character for the development. The documents should also have regard to the long-term management and maintenance of the proposed development and a life cycle report for the apartments in accordance with section 6.3 of the Sustainable Urban Housing: Design Standards for New Apartments (2020).

4. A Sunlight/Daylight/Overshadowing analysis showing an acceptable level of residential amenity for future occupiers and existing residents, which includes details on the standards achieved within the proposed residential units, in private and shared open space, and in public areas within the development and in adjacent properties. This report should address the full extent of requirements of BRE209/BS2011, as applicable.
5. Where the applicant considers that the proposed strategic housing development would materially contravene the relevant development plan or local area plan, other than in relation to the zoning of the land, a statement indicating the plan objective(s) concerned and why permission should, nonetheless, be granted for the proposed development, having regard to a consideration specified in section 37(2)(b) of the Planning and Development Act 2000. Notices published pursuant to Section 8(1)(a) of the Act of 2016 and Article 292 (1) of the Regulations of 2017, shall refer to any such statement in the prescribed format. The notice and statement should clearly indicate which Planning Authority statutory plan it is proposed to materially contravene.
6. Submission of Wind and Pedestrian Comfort Study.
7. The information referred to in article 299B(1)(b)(ii)(II) and article 299B(1)(c) of the Planning and Development Regulations 2001-2018, unless it is proposed to submit an EIAR at application stage.

5.3. Finally, a list of authorities that should be notified in the event of the making of an application were advised to the prospective applicant and which included the following:

1. Irish Water
2. Transport Infrastructure Ireland
3. National Transport Authority
4. Dublin City Childcare Committee
5. Irish Aviation Authority
6. Dublin Airport Operator
7. Fingal County Council

5.4. Applicant's Statement

5.4.1. John Spain & Associates prepared a 'Statement of Response to ABP's Opinion' and this was submitted in accordance with Section 8(1)(iv) of the Act of 2016. The proposed development was revised in response to the tripartite meeting and An Bord Pleanála Opinion, and the revisions include:

- Revisions to the design, and layout of blocks/ block shapes to ensure sufficient separation distance between blocks and existing neighbouring developments to reduce any undue overlooking.
- Separation distances between the proposed Blocks 10A and 10B has been increased.

5.4.2. The following information was provided in response to the opinion:

Issue 1 – Address potential overlooking issues: JSA Architects have revised the design of the proposed apartment blocks to address potential issues of overlooking. The design details are provided in the submitted plans/ elevations and the Architectural Design Statement prepared by the applicant. The use of projecting angled windows and permanently fitted screens ensure that issues of overlooking are addressed in an acceptable manner. The units receive adequate levels of daylight, and this is confirmed by assessment. Potential overlooking between units in Block 10A and 10B has also been addressed through revised floor plans and the elevational revisions as already outlined. The separation distance between these blocks has also been revised. Full regard has been had to ensuring that sufficient separation distances are provided between the proposed development and

'Rosemount House' to the south, which is also subject to development, separate to the subject site.

Issue 2 – Indicate the impact of the development on the area: The proposed development is supported by an Architectural Design Statement, prepared by JSA Architects, a CGI and Photomontage Brochure, prepared by Digital Dimensions, and a Landscape & Visual Impact Assessment, a Landscape Design Statement and associated drawings, prepared by Murray and Associates. The submitted CGIs provide existing and proposed views of the site. An indication of the massing for the proposed development of Rosemount house is also provided. The Landscape & Visual Impact Assessment and the Landscape Design Statement provide an indication of how the development will integrate with its surroundings and the existing form of development in the immediate area.

Issue 3 – Material & Finishes details: The Building Material Report and the Building Lifecycle Report, prepared by JSA Architects, and the Landscape Design Statement prepared by Murray & Associates (which includes a section on Materials and Street Furniture) provides details on finishes and the materials to be used throughout the development site. External finishes are primarily to consist of brick, which are durable and low-maintenance. Long-term running and maintenance costs are provided in the Building Lifecycle Report.

Issue 4 – Daylight & Sunlight Analysis: A Daylight & Sunlight Assessments Report was prepared by Digital Dimensions in support of the proposed development. The submitted report finds that there will be minimal impact to the permitted residential units in Block 2 located to the east, with those units generally exceeding the relevant minimum target values. All the units within the proposed development would generally exceeding the recommendations of the BRE guidelines for daylight. A justification for the north facing units not achieving target sunlight levels is provided due to the aspect over the River Mayne corridor, in accordance with the Apartment Guidelines, 2020. The redevelopment of the Rosemount House site would not be adversely impacted by the proposal. All areas of open space will receive acceptable levels of sunlight.

Issue 5 – Material Contravention: Three issues were identified:

- Building Height – in relation to Section 16.7.2 of the Dublin City Development Plan and Section 7.9/ Objective UD07 of the Clongriffin-Belmayne (North Fringe) Local Area Plan 2012 - 2018 (extended to 2022).
- Unit Mix – in relation to Section 16.10.1 of the Dublin City Development Plan.
- Implementation of the Malahide Road/ R107 road improvement scheme – in relation to Objective MTO31 of the Dublin City Development Plan and Section 6.5 / Objective MTP2 of the Clongriffin-Belmayne (North Fringe) Local Area Plan 2012 – 2018 (extended to 2022).

Consideration is also given to aspects of the development that may materially contravene the Dublin City Development Plan 2022 – 2028, based on the Draft Plan and the Proposed Material Alterations. The issues raised in relation to material contravention are included in the public notices.

Issue 6 – Wind and Pedestrian Comfort Study: A Microclimate Impact Assessment Report prepared by TMS Environment is included in support of the application. No issues of concern were raised.

Issue 7 – Environmental Impact Assessment: An e EIA Screening Report prepared by Enviroguide, has concluded, that based on best scientific knowledge, the proposed development will not result in significant effects on the environment and, an Environmental Impact Assessment is not required.

In conclusion, the applicant considers that the proposal provides for a high quality of residential development in this location.

6.0 Relevant Planning Policy

6.1. National Policy

6.1.1. Project Ireland 2040 – National Planning Framework (NPF)

Chapter 4 of the National Planning Framework (NPF) is entitled ‘Making Stronger Urban Places’ and it sets out to enhance the experience of people who live, work and visit the urban places of Ireland.

A number of key policy objectives are noted as follows:

- National Policy Objective 4 seeks to ‘Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being’.
- National Planning Objective 11 provides that ‘In meeting urban development requirements, there be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth’.
- National Planning Objective 13 provides that “In urban areas, planning and related standards, including, in particular, height and car parking will be based on performance criteria that seek to achieve well-designed high-quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected”.

Chapter 6 of the NPF is entitled ‘People, Homes and Communities’ and it sets out that place is intrinsic to achieving a good quality of life.

A number of key policy objectives are noted as follows:

- National Policy Objective 27 seeks to ‘Ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments, and integrating physical activity facilities for all ages’.
- National Policy Objective 33 seeks to ‘Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location’.
- National Policy Objective 35 seeks ‘To increase residential density in settlements, through a range of measures including restrictions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights’.

6.1.2. **Climate Action Plan**

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

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

6.1.3. **Section 28 Ministerial Guidelines**

The following is a list of Section 28 - Ministerial Guidelines considered of relevance to the proposed development. Specific policies and objectives are referenced within the assessment where appropriate.

- Urban Development and Building Heights - Guidelines for Planning Authorities – (DoHPLG, 2018).
- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (DoHPLG, 2020).
- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (including the associated Urban Design Manual) (DoEHLG, 2009).
- Quality Housing for Sustainable Communities (DoEHLG, 2007).
- The Planning System and Flood Risk Management including the associated Technical Appendices (DEHLG/ OPW, 2009).
- Childcare Facilities Guidelines for Planning Authorities (2001).
- Regulation of Commercial Institutional Investment in Housing – Guidelines for Planning Authorities (2021).

Other Relevant Policy Documents include

- Smarter Travel – A Sustainable Transport Future: A New Transport Policy for Ireland 2009 – 2020.
- Permeability Best Practice Guide – National Transport Authority.

6.2. Regional Policy

6.2.1. Regional Spatial and Economic Strategy (RSES) 2019 – 2031

The Eastern & Midland Regional Assembly 'Regional Spatial & Economic Strategy 2019-2031' provides for the development of nine counties including Dublin City and supports the implementation of the National Development Plan (NDP). There are no specific references to the site, but the Clongriffin/ Belmayne area is listed under Level 3 of the 'Retail Hierarchy for the Region'. In relation to the North Fringe, it is recognised in Table 5.1: 'Strategic Development Areas and Corridors, Capacity Infrastructure and Phasing' that the area is to see large scale residential development, retail/ service provision will be provided through the completion of mixed-use districts and there will be suitable infrastructure upgrades to serve the continued development of the area.

6.3. Local/ County Policy

6.3.1. Dublin City Development Plan 2016 - 2022

The Dublin City Development Plan 2016 - 2022 is the current statutory plan for Dublin City, including the subject site. The site is zoned Z14 Strategic Development and Regeneration Areas with objective: 'To seek the social, economic and physical development and/or rejuvenation of an area with mixed use of which residential "Z6" would be the predominant uses'.

There is an indicative 'Road Schemes and Bridges' to the north of the subject site.

The site is located within the:

- Clongriffin-Belmayne (North Fringe) LAP 2012-2018 (extended to 2022)
- Strategic Development and Regeneration Area (SDRA) 1 North Fringe (Clongriffin-Belmayne)
- North Fringe West Key District Centre (KDC) 1

Under the SDRA for the North Fringe, the site is subject to a minimum building height of 5 storeys, and a maximum height of 50 metres as it is regarded as a mid-rise area under the DCC Development Plan (Section 16.7.2).

Section 15.1.1.1 of the Dublin City Development Plan states that it is Council policy 'To develop the amenity potential of the Mayne River in the creation of a linear park'.

Map J – 'Strategic Transport and Parking Areas' demonstrates the following:

The site is located within Zone 3

- The residential car parking standard is 1.5 spaces per residential unit.
- Cycle parking is a minimum of 1 space per unit for all zones.

6.3.2. The policy chapters, especially Chapters 5 – Quality Housing, and 12 – Sustainable Communities and Neighbourhoods, detailing the policies and objectives for residential development, making good neighbourhoods and standards respectively, should be consulted to inform any proposed residential development (see Chapter 16, Section 16.10 – Standards for Residential Accommodation).

6.3.3. Policy SC13 of the development plan promotes sustainable densities, in particular along public transport corridors with due consideration for surrounding residential amenities.

6.3.4. Policy SC14 seeks to 'To promote a variety of housing and apartment types which will create a distinctive sense of place in particular areas and neighbourhoods, including coherent streets and open spaces'.

6.3.5. The following policies are also considered relevant:

- Policy QH5 – Address the housing shortfall through active land management;
- Policy QH6 – Provide for sustainable neighbourhoods with a variety of housing types;
- Policy QH7 – Promote sustainable urban densities;
- Policy QH8 – Promote the development of vacant and under-utilised sites;
- Policy QH10 – Promote the development of permeable schemes and discourage the provision of gated residential schemes;
- Policy QH11 – Promotion of safety and security in new developments;
- Policy QH12 – Promote the development of energy efficient schemes;

- Policy QH13 – New build housing should be adaptable and flexible;
- Policy QH18 – Support the provision of high-quality apartments;
- Policy QH19 – Promote the optimum quality and supply of apartments.

6.3.6. Section 16.5 identifies a plot ratio standard of 1.0 – 3.0 for Z14 zoned lands and an indicative site coverage of 50%.

6.3.7. Section 16.7.2 of the City Development Plan refers to ‘Height Limits and Areas for Low-Rise, Mid-Rise and Taller Development’. As reported, the site is considered to be suitable for mid-rise development.

6.3.8. The following sections of the City Development Plan are also relevant to this development:

Section 4.5.3 - Making a More Compact Sustainable City;

Section 4.5.9 – Urban Form & Architecture;

Section 9.5.4 - Sustainable Urban Drainage Systems (SUDS);

Section 11.1.5.13 - Preservation of Zones of Archaeological Interest and Industrial Heritage. The development is located within such an area.

Section 16.2 – Design, Principles & Standards.

Section 16.10 - Standards for Residential Accommodation.

Section 16.38 – Car Parking Standards. The site lies within Parking Area 3 and requires a maximum of 1.5 space per dwelling in accordance with Table 16.1.

7.0 Third Party Submissions

7.1. No third-party submissions were received.

8.0 Planning Authority Submission

8.1. The Chief Executive’s report, in accordance with the requirements of section 8(5)(a) of the Act of 2016, was received by An Bord Pleanála on the 12th of October 2022. The report details the site location/ site zoning, provides a description of the proposed development, details pre-submission meetings, planning history, lists the issues in the received submissions, the internal reports of Dublin City Council are summarised, details the relevant Development Plan policies and objectives, and

provides a planning assessment of the development. The CE report concludes with a recommendation that permission be granted, subject to conditions.

8.2. The CE report, in Appendix B, also includes a summary of the views of the elected members of the North-Central Area Committee held on the 19th of September 2022. Some of the comments refer to the combination of this development and a proposed development of the 'Rosemount House' site to the south. The issues are outlined as follows:

- Concern was expressed about the residential amenity of this development in terms of the number of units with north facing elevations/ aspects and the potential impact of the landscaping on these units.
- Also, issues raised about the number of dual aspect units, the availability of storage space and the lack of three-bedroom units in this proposal.
- Clarification sought on the car parking provision and the suitability of underground parking in relation to potential for anti-social behaviour. Concern about the potential loss of car parking/ under provision of adequate car parking to serve the development.
- Query over the public transport provision serving this area. The lack of a bus and cycle link to Clongriffin station from the subject site was raised.
- There is a need for a fully detailed Mobility Plan for the area.
- Query about the sustainable measures proposed for this development including the non-use of solar panels and rain harvesting systems.
- Query as to why the Part V housing was not dispersed throughout the development.
- Question as to the type of development proposed, was it a Build to Rent Scheme.
- The quality of the proposed open space was complimented on, but the maintenance of this was questioned with particular reference to the taking in charge of the open space areas.
- The lack of a community/ social facility on site was raised. Requested that a Social and Community Audit be conducted for the proposed development of these lands.
- The commercial units should be fully fitted out and ready for use. The provision of empty shells makes their use prohibitive for new businesses.
- Query about the SHD process and timelines for applications in the area.

8.3. Interdepartmental Reports have been received from Housing and Community Services, Environment and Transportation Section / Waste Regulation and Enforcement Unit, Environmental Health, Air Monitoring and Noise Control Unit, Roads and Traffic Division, Drainage Division and Parks, Biodiversity & Landscape Services.

External reports were received from Inland Fisheries Ireland, Irish Water, Transport Infrastructure Ireland, and the Dublin Airport Authority.

8.4. **Planning Assessment**

This is summarised as follows under the headings of the Chief Executive Report.

Principle:

- The proposed development is acceptable in regard to the Z14 zoning that applies to this site, and which allows for residential development.
- The proposed development does not include commercial uses, but this is considered to be acceptable having regard to the distance of the site from the main streets of Northern Cross which are more commercial in nature. Commercial development may be more suitable on adjoining sites.

Statement of Consistency and Material Contravention Statement:

- The submitted reports are noted and the Material Contravention Statement has outlined three aspects of the proposed development that may contravene the Dublin City Development Plan as follows:
 - Building Height
 - Unit Mix
 - Road Improvements

The CE report states, 'The Planning Authority considers the applicant makes a reasonable argument for contravening each of the identified policies with regard to national policy which supersedes the Development Plan'.

Schedule of Accommodation:

- The Planning Authority report that 152 apartment units are proposed, and which are not Build-To-Rent. 75 (48%) of the units are one bed and 81 (52%) are two

bed units. The submitted details on floor area indicate that 99% of the units exceed the +10% floor area requirement as set out in the Apartment Guidelines. 82 (53%) of the units are dual aspect.

- Single aspect units are either north or south facing. Larger windows would be provided in the north facing units and would be further compensated by the aspect having views over the river to the north of the site. Apartments. A.0.6, A.0.7, B.0.6, B.0.7, A.1.6, A.1.7, B.1.6 and B.1.7 are identified as units that give rise to concern as they are north facing; these are located on the ground and first floor levels. These issues are considered further in the CE report.
- The unit mix and aspect ratio are in accordance with national guidelines. The maximum number of units per floor, per core, is eight and this is considered to be acceptable to the Planning Authority.

Height, Scale and Design:

Height:

- The applicant has indicated that the proposed development may materially contravene the Dublin City Development Plan 2016 – 2022 and the Clongriffin-Belmayne LAP in relation to height. The site is located within the Northern Cross district, which consists of mixed-use development and a varied building height generally of five to seven storeys, with some landmark blocks extending to twelve storeys. The Planning Authority reference Policy SC16 of the Dublin City Development Plan and which 'acknowledges the intrinsic quality of Dublin as a low-rise city and that it should predominantly remain so'.
- The Planning Authority reference Section 16.7.2 of the Dublin City Development Plan and which states: 'Planning applications will be assessed against the building heights and development principles established in a relevant LAP/SDZ/SDRA. Proposals for high buildings should be in accordance with the provisions of the relevant LAP/SDZ/SDRA in addition to the assessment criteria for high buildings and development plan standards. Chapter 15 provides guiding principles for the design of potential high buildings in SDRAs, where appropriate. All areas outlined in the table below are considered to be in the low-rise category

unless the provisions of a LAP/SDZ/SDRA indicate otherwise'. Section 16.7 provides details on 'Building Height in a Sustainable City' and in summary allows for 24 m in the Inner City for residential development, and 16 m for the outer city. The development plan allows for up to 50 m in the case of 'Mid Rise' areas. The Planning Authority report that the subject site is located within the North Fringe SDRA1 and is identified as a Mid Rise location.

- Section 7.9 Objective UD07 of the Clongriffin-Belmayne Local Area Plan states the following in relation to building heights:
'The height strategy for the LAP will seek positive integration of new building height with established character. Locations identified for special height character are the designated Key District Centres (in general 5 storeys minimum) and the Main Street Boulevard axis (in general four to five storeys). Heights of 2-6 storeys (including a setback at the top floor of a 5/6 storey building) may be facilitated subject to quality design criteria and set back requirements along the river corridor to complete the urban form of pavilion buildings to complete Marrsfield, one location for a landmark profiled building 14 (10-14 storey office height equivalent) is designated adjacent to Clongriffin Rail Station. In other locations, where 4storeys residential height is proposed, some flexibility will be allowed on the height equivalent (13m) to achieve design improvements to the façade'. The Planning Authority report that the minimum building height of five storeys has been exceeded in most cases.
- The proposed Block 10A is a mix of ten (32.4 m) and eight storeys, the eight-storey section to the west side facing onto a public open space area. Block 10B has a maximum of eleven storeys (35.49 m) with a step down to ten storeys on the eastern side where it relates to the nine storeys of the adjacent Block 2. The roof levels include mechanical plant which is set back from the building edges and also includes a green roof and photovoltaic panels. The rooftop plant increases the heights to 34.5 m in the case of Block 10A and 37.19 m in the case of Block 10B. The Planning Authority report that the increase in height is transitional rather than being an abrupt increase.

- The Planning Authority consider that the wording of Objective UD07 is such as to allow for taller buildings within the Key District Centres, but the maximum/ exceptional height is the 10 – 14 storey office equivalent building at Station Square, Clongriffin. The Planning Authority report that it ‘considers, on balance, that the proposed 8-11 storeys of the scheme does not accord with the policy set out in the LAP and so is a material contravention, however, due to wording this is a subjective assessment’. It notes the issue of height as provided for in the Building Heights Guidelines for Planning Authorities (December 2018) and that the Material Contravention Statement provides a reasoned case for increased heights in terms of national and regional guidance such as the National Planning Framework and the Urban Development and Building Heights Guidelines.
- The Planning Authority restate SPPR 1 of the Urban Development and Building Heights: Guidelines for Planning Authorities (2018) and Section 3.2. The Planning Authority consider that the guidelines cannot be applied on a blanket basis but only where certain criteria can be met/ demonstrated. The applicant has outlined why they consider this site is suitable for increased height and the Planning Authority reports that a number of documents have been provided by the applicant in support of this development.
- The Planning Authority state that they consider that ‘the subject site is an appropriate location to accommodate a building or buildings of height given the zoning designation of the immediate area as an SDRA and a Key District Centre and considering the wording of allowances set out in the LAP for buildings within the KDC. As well as having due consideration of national policy which supersedes the Development Plan and other local statutory plans’. The Planning Authority report that An Bord Pleanála is the competent authority to determine if the development complies the LAP or is a material contravention but, in any case, the Planning Authority support the development/ increased height in this location, subject to consideration of residential amenity, visual amenity and placemaking, all of which are considered further in the CE report.

Scale:

The Planning Authority report on the design/ context of the development and consider that the scale of development is acceptable in this location and is in accordance with Section 3.2 of the Urban Development and Building Heights: Guidelines for Planning Authorities (2018).

Design:

- The proposed development has been revised from what was discussed at pre-application stage with the Planning Authority. The applicant has encouraged to provide for a high quality of finish having regard to the adjacent river and also to provide for larger windows in respect of the single aspect north facing units.
- The design of the blocks provides for a strong verticality through the projecting balconies stacked above each other and the use of a variety of brick/ colours which the Planning Authority reports would 'draw the eye upwards'. This is different to the existing development of Northern Cross where buildings present a 'strong horizontality in their window layouts and balcony spacing'. The Planning Authority consider that the two blocks would be a positive addition to the character of Northern Cross.
- Corner units are dual aspect and landscaping has been designed to mark the entry points to each block. The site level differences (south to north) result in the ground floor, north facing units being effectively located at first floor level.

Site Development Standards – Density, Site Coverage and Plot Ratio:

The Statement of Consistency submitted in support of the application indicates that the density is 205 units per hectare, plot ratio is 1.7 and site coverage is 20.8 %.

The Planning Authority reports no concern in relation to these figures. Density is high but the site is within walking distance of high-capacity public transport, amenities, and employment. Bus services are available within the Northern Cross area and although Clongriffin station is not immediately proximate, it is accessible by walking, bicycle, and bus. Overall, the proposed density is considered to be acceptable.

Residential Amenity and Residential Quality Standards:

- Standards for residential amenity are provided in Section 16.10.1 of the Dublin City Development Plan and the Sustainable Urban Housing: Design Standards for New Apartments Guidelines. The submitted details indicate that 99% of the units will exceed the minimum apartment size by 10%. The Planning Authority consider the proposed units to be acceptable, there is an adequate number of dual aspect units at 53% and compensatory measures have been provided for the north facing single aspect units.
- Measures have been taken to reduce overlooking where the separation distance between units is less than optimum, the use of angled windows for example on the east elevation of Block 10A and the west elevation of Block 10B. Bedroom sizes are increased for the relevant units. The separation to Rosemount to the south is circa 25 – 30 m, though full regard is had to the fact that this site is proposed for redevelopment. Suitable design measures have been provided for.
- The Planning Authority consider the overall development in terms of residential amenity to be acceptable.

Open Space:

Private Open Space:

- Private open space is to be provided in the form of terraces at ground floor level and balconies on the upper floors. These comply/ exceed minimum recommended standards. Balconies are not provided on the east elevation of Block 10A and on the west and east elevations of Block B in the interest of adjoining residential amenity.
- A Wind Microclimate Assessment found that the upper two floors on the west elevation of Block 10A, the upper two floors on the south elevation of both Blocks 10A and 10B, the 7th floor to the southwest corner of Block 10B, the 8th/ 9th floors of 10A and the 10th floor of Block 10B would experience uncomfortable levels of wind impact. Mitigation is provided through the provision of 1.8 m high enclosures to these balconies. These enclosures will be fitted with clear glass

and would not therefore impact on the available aspect or on the received daylight to these spaces.

Communal Open Space:

- The proposed development provides for communal open space to the south of the proposed blocks, that to the south of Block 10A provides for passive open space and a small play area is provided to the south of Block 10B. The area between the buildings is designed to be a communal space with seating provided for. The Planning Authority raise concern that this space and the type of landscaping proposed may not provide for suitable privacy for the residents of the adjoining apartments. The Planning Authority propose that a railing is provided as a measure to increase the sense of privacy. This space would be subjected to significant amounts of overshadowing and its amenity value may be limited as a result. The other areas of ground level communal open space are acceptable to the Planning Authority.
- Communal open space is also provided in the roof terraces on the 8th floor of Block 10A and the 10th floor of Block 10B and which would receive passive surveillance from adjoining apartments. Generally, these communal spaces are well shielded from wind etc. though some reduction in amenity may be experienced at times. 1.8 m high enclosures are to be provided and this is acceptable to the Planning Authority.

Public Open Space:

- This is provided to the eastern side of the site and provides a link between the car parking and the river valley to the north of the site. This will be further enhanced with the development of adjoining sites.
- The Planning Authority report that the Parks, Landscape and Biodiversity Division are generally satisfied with the proposed development.

Visual Impact:

- The Planning Authority support the development of this site, which is currently in use as a building compound/ surface car park. The proposed development will

not be visible from the Malahide Road to the east of the site, and in general the submitted scheme would not be easily visible throughout the overall Northern Cross development.

- The visual impact from the north, west and southwest would be more significant, though this may change over time as further development of the adjoining sites takes place. In conclusion, the Planning Authority report that the development 'would not be considered, in itself or in combination with other schemes, to pose a negative visual impact on the skyline in longer views or to have a detrimental visual impact to the streetscape of Northern Cross or to the areas of public open space in the vicinity'.

Operational Management and Long-Term Maintenance:

The Planning Authority note the submitted Building Lifecycle Report and the Property Management Strategy Report. The Planning Authority consider it appropriate that a condition be attached which requires the preparation of an Operation Management Plan.

Part V:

The applicant has consulted with the Housing and Community Services section of Dublin City Council and final details will only be agreed when a grant of permission is issued.

Overshadowing, Daylight and Sunlight:

- A Daylight and Sunlight Assessment has been submitted in support of the application. The Planning Authority outlines the relevant assessments and expected findings of these. The applicant has included 'BR209 2022: Site Layout Planning for Daylight and Sunlight (Third edition)' as one of the assessments.

Daylight:

- The Planning Authority have considered the findings of the assessments and note a number of units that do not demonstrate compliance with the

requirements. The units to the northern side of the blocks, single aspect only, demonstrate that they would receive adequate daylight.

- Overall, the compliance with the standards for daylight is very high and if the assessment were for Average Daylight Factor (ADF) rather than Illuminance, all but one unit would be compliant.

Sunlight:

The Planning Authority report that the majority of units receive adequate sunlight, however those that do fail, do so at a significant level. The Planning Authority note this, however, considering the location of the site within an urban area, it is to be expected that minimum standards may not be achievable. Whilst sunlight may be poor for some units, all proposed units will receive adequate daylight in accordance with the recommended standards.

Overshadowing:

- The communal open space to the south of the site will be receive adequate light with some overshadowing, as expected, throughout the year. The courtyard space between the blocks would be significantly overshadowed throughout the year, due to the narrow separation and the height/ mass of the two apartment blocks.
- The proposed public routes towards the river/ north of the site would also be overshadowed throughout the year and again this is limited by the nature of the development in an urbanised environment.

Daylight and Sunlight Impact on neighbouring dwellings

- The adjoining Block 2 is assessed for impact from the proposed development. Post completion of the development, the bedroom to Unit 25 would not meet the Target illuminance value of 300 lux over 50% of floor area for at least 50% of daylight hours but it would meet the Minimum illuminance value of 100 lux over 95% of floor area for at least 50% of daylight hours.

- The proposed development would not impact on sunlight to Block 2 and overall, the development would not have a negative impact on this adjoining block. ADF and overshadowing assessments do not give rise to concern.
- The proposed development will not have a negative impact on the development of the Rosemount site to the south as the subject development is due north of this site and provides for adequate separation distance.

Overlooking and Separation Distances to Neighbouring Properties:

- The Planning Authority consider that adequate separation distances are provided between the proposed development and adjoining sites, including that to Rosemount to the south of the subject site.
- The development would not a negative impact on existing or potential developed sites in the future.

Heritage, Environmental and Habitat Impacts:

The Planning Authority note the report from Inland Fisheries Ireland and their emphasis on the importance of environment along the Mayne River. The Parks, Biodiversity and Landscape Services Division of Dublin City Council have raised no issues of concern and have recommended conditions in the event that permission is granted for the proposed development.

Childcare Facilities:

- The Planning Authority refers to Appendix 13 of the Development Plan 2016 - 2022 and the Guidelines for Planning Authorities on Childcare Facilities (2001) require the provision of a childcare facility with capacity for 20 no. children in a residential development of over 75 no. units. Section 4.7 of the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities 2020, generally excludes one-bedroom units from the calculations and two-bedroom units may also be excluded, either in total or in part.

- The proposed development includes the provision of 82 two-bedroom units. The applicant has undertaken a Social and Community Infrastructure Audit and which identifies that there are vacancies for 46 children in the area. The proposed development has a calculated requirement for 21.6 children who would be of childcare age; there is adequate capacity in the area to cater for these children.
- The Planning Authority note this and consider that ‘the non-provision of a childcare facility on site is reasonable’ having regard to the site location and the low number of children that the development is expected to accommodate. Comment is made on the economics of such a facility and the fact that the unit may remain vacant for a period of time.

Social Audit:

A social audit has been submitted in accordance with Policy SN5 and Section 16.10.4 of the Dublin City Development Plan 2016 – 2022. The submitted audit provides detail on the availability of health services, education facilities, community services and facilities and sports and recreational facilities. The submitted information is acceptable to the Planning Authority.

Waste Management:

An Outline Construction and Environmental Management Plan and a separate Outline Construction and Demolition Waste Management Plan have been submitted in support of the application; these are acceptable to the Planning Authority. An Operational Waste Management Plan has also been submitted and is also acceptable to the Planning Authority.

Transportation:

The Dublin City Transportation Planning Division have provided a detailed report and, which outlines that there is no objection to the development, subject to recommended conditions.

Appropriate Assessment:

The Planning Authority report that the Board is the competent authority on this matter.

Environmental Impact Assessment:

The Planning Authority report that the Board is the competent authority on this matter.

Conclusion:

The Planning Authority note that the proposed development may contravene the height policy of the Dublin City Development Plan 2016 – 2022, and the Clongriffin - Belmayne Local Area Plan 2012 - 2022 subject to interpretation of the wording of the LAP. The development is broadly consistent with national guidance set out in the National Planning Framework, the Urban Development and Building Heights, 2018 and the Sustainable Urban Housing: Design Standards for New Apartments 2020 with regard to increasing density in urban areas.

The overall residential quality of the development is good, issues of overlooking are addressed, and the development would have little or no impact on access to daylight and sunlight. Some apartment units would receive limited sunlight, but this is considered to be acceptable having regard to the location and nature of development within the Northern Cross area. The proposed development is a more appropriate use of this site than is the case at present. Conditions are recommended by the Planning Authority.

8.5. In addition to the CE report, additional Dublin City Council internal reports have been provided and are included in Appendix A of the CE report.

- Transportation Planning Division: The report considers all issues relevant to traffic, travel, and car parking. In conclusion it is recommended that permission

be granted subject to conditions, which are standard for a development of this nature.

- **Archaeology, Conservation & Heritage:** Two recorded monuments are identified in the vicinity of the subject site, one is circa 130 m to the north of the site and the other is 250 m to the north west. The applicant's archaeological report, prepared by IAC, considers these recorded monuments to be landscape features that are associated with Belcamp House, which is located to the north west of the subject site. The proposed site for development is currently in use as a surface car park and which has been subject to a significant level of disturbance over time. Conditions are recommended in the event that permission is granted for this proposed development.
- **Drainage Report:** There is no objection to the development, subject to the development complying with the Greater Dublin Regional Code of Practice for Drainage Works. A list of conditions is included in the event that permission is recommended.
- **Environmental Health Officer:** Conditions are recommended including the need for a Construction Management Plan, limit on the hours of construction on site and noise and air quality limits are provided.
- **Part V – Housing & Community Services:** Engagement has been had between the developer and the Housing & Community Services in relation to meeting Part V requirements, the developer is suitably aware of their obligations.
- **Parks & Landscape Services:** There is no objection to the development subject to conditions.
- **Waste Regulation and Enforcement Unit:** A list of conditions to be applied are provided.
- **Planning & Property Development Department:** Request that a bond condition and a Section 48 development contribution be applied in the event that permission is granted for this development. This is provided in Appendix C of the CE report.

9.0 Prescribed Bodies

9.1. The applicant was required to notify the following prescribed bodies prior to making the application:

- Irish Water
- Dublin Airport Authority (DAA)
- Transport Infrastructure Ireland (TII)
- Inland Fisheries Ireland (IFI)
- Dublin City Childcare Committee – No response received.

The following is a brief summary of the issues raised.

9.2. Irish Water:

9.2.1. Irish Water have reported that a connection to the public water and foul drainage system can be made without any need for upgrade works by Irish Water.

9.2.2. Irish Water has requested that in the event that permission is granted that conditions be included as follows:

- ‘The applicant must sign a connection agreement with Irish Water prior to any works commencing and to connecting to our network’.
- ‘Irish Water does not permit any build over of its assets and separation distances as per Irish Waters Standards Codes and Practices shall be achieved. (a) Any proposals by the applicant to build over/near or divert existing water or wastewater services subsequently occurs, the applicant shall submit details to Irish Water for assessment of feasibility and have written confirmation of feasibility of diversion(s) from Irish Water prior to connection agreement’.
- ‘All development is to be carried out in compliance with Irish Water Standards codes and practices’.

9.3. Dublin Airport Authority (DAA)

9.3.1. The DAA report that the site is located within Noise Zone C and refers to Objective DA07 of the Fingal Development Plan 2017 – 2022. The subject site is

located within the Dublin City Council area and objective DA07 is not relevant to this site.

9.3.2. I am unsure if this report was submitted in error.

9.4. Transport Infrastructure Ireland (TII)

9.4.1. TII have no observations to make on this proposed development.

9.5. Inland Fisheries Ireland (IFI)

9.5.1. The proposed development is located adjacent to the Mayne River. IFI report that this is a non-salmonid system, however they are currently assessing the viability of a salmonid reintroduction programme. IFI also report that the Mayne system does contain populations of European Eel as well as other fish species.

9.5.2. From the IFI report, there is no opposition to the proposed development, but a long list of conditions is provided in the event that permission is granted for the submitted scheme. I note that most of these conditions are standard for a development of this nature.

10.0 Assessment

10.1. The Board has received a planning application for a housing scheme under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016. Having examined the application details and all other documentation on file, including the Chief Executive's Report from the Planning Authority and all of the submissions received in relation to the application, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance.

The assessment of the submitted development is therefore arranged as follows:

- Principle of Development
- Development Height
- Design and Layout
- Visual Impact
- Residential Amenity – Future Occupants
- Residential Amenity – Existing/ Adjacent Residents
- Transportation, Traffic and Parking

- Infrastructure and Flood Risk
- Childcare, Social Infrastructure and Part V Social Housing Provision
- Comment on Submission/ Observations of the North East Area Committee
- Other Matters
- Material Contravention
- Appropriate Assessment Screening
- Environmental Impact Assessment Screening

Note: The Dublin City Development Plan 2016 – 2022 is the operative plan relevant to this application. A new development plan – ‘Dublin City Development Plan 2022 – 2028’ is due to be adopted during November 2022, with no confirmed date at present for it coming into force.

10.2. Principle of Development

10.2.1. Having regard to the nature and scale of proposed development, which is in the form of 156 residential units, within two separate blocks, consisting wholly of apartments on lands zoned for Strategic Development and Regeneration Area under the Z14 zoning objective, I am of the opinion that the proposed development falls within the definition of Strategic Housing Development as set out in Section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

10.2.2. The subject site is zoned ‘Z14’ in the Dublin City Development Plan 2016 – 2022 with the objective ‘To seek the social, economic and physical development and/or rejuvenation of an area with mixed use of which residential “Z6” would be the predominant uses’. This zoning objective permits a range of uses including residential and related uses, open space, and clearly the most relevant to this proposal is residential. I am satisfied that the development is in accordance with the Z14 zoning objective.

10.2.3. The site is located within a Strategic Development and Regeneration Area – SDRA 1 North Fringe (including Clongriffin/ Belmayne) and within a Key District Centre – KDC 1, though it is on the north western fringe of this designation.

10.2.4. It is national and local policy to maximise the use of available lands and in established urban areas. The site zoning allows for residential development, the site is currently in use for building equipment/ material storage, having previously

had a use as a surface car park. The area is predominately characterised by residential development, however, the presence of the Bewleys office/ manufacturing unit to the west of the site demonstrates the mixed-use nature of the larger surrounding area. The proposed development is suitable in context of the designation of the site as a SDRA, the provision of additional residential units will ensure that the area develops as a sustainable urban district. I consider that the proposed development is acceptable in principle.

10.2.5. The proposal of 156 apartment units on a site area of 0.76 hectares provides for a density of 205 units per hectare, which is a relatively high residential density. The site is located in an established urban area, where public transport is available and where community/ retail/ amenity infrastructure is within walking distance. Whilst the principle of development is accepted to be in accordance with the Z14 zoning objective, and is in accordance with local/ national policy, the impact on the adjoining area is considered further in this report.

10.2.6. **Conclusion on Section 11.3:** The site zoning is suitable for residential development of the nature proposed and the proposal would see the provision of 156 residential units on a brownfield site in an established urban area, where public transport is available. Considering the zoning of the subject site, and the nature of the proposed development as submitted, there is no reason to recommend a refusal to the Board.

10.3. Development Height

10.3.1. The issue of height was identified as an issue by the Planning Authority, as the heights of the two blocks vary in height between eight and eleven storeys and the site is identified as a Mid Rise location within the North Fringe SDRA 1, with a minimum building height of five storeys in the designated Key District Centres (KDC). The Planning Authority report that the development may be a material contravention of the Dublin City Development Plan 2016 – 2022, but they also report that the ‘Planning Authority supports blocks of the height proposed as this location’. The Planning Authority through the CE Report also consider the development in the context of impact on existing/ proposed residential amenity and visual amenity, all of which relate to the height of the proposed development.

10.3.2. Section 3.2 – ‘Development Management Criteria’ of the ‘Urban Development and Building Heights – Guidelines for Planning Authorities’, December 2018, sets out a number of considerations for developments with increased heights.

In the interest of convenience, I have set these out in the following table:

At the scale of the relevant city/ town	
Criteria	Response
The site is well served by public transport with high capacity, frequent service and good links to other modes of public transport.	Public transport is available in the form of Dublin Bus Routes 15, 27, 42 and 43, with bus stops less than 700 m from the site. Route 15 operates on an off-peak frequency of every 10 minutes, route 27 every 10 minutes, route 42 is every 30 minutes and route 43 is approximately an hourly service in the off-peak. There are therefore approximately fifteen buses an hour within 700 m of the site, operating to and from the city. Route 15 provides a connection to Clongriffin train station, route 42 serves Malahide and northern Portmarnock and route 43 serves Feltrim and Swords.
Development proposals incorporating increased building height, including proposals within architecturally sensitive areas, should successfully integrate into/ enhance the character and public realm of the area, having regard to topography,	<ul style="list-style-type: none"> • No protected views, Architectural Conservation Area (ACA), or other architectural/ visual sensitives apply to this site. The development is not located within a landscape character area worthy of particular protection. • A ‘CGI and Photomontage Brochure’ prepared by Digital Dimensions has

<p>its cultural context, setting of key landmarks, protection of key view. Such development proposals shall undertake a landscape and visual assessment, by a suitably qualified practitioner such as a chartered landscape architect.</p>	<p>been prepared and submitted in support of the application.</p> <ul style="list-style-type: none"> • A Landscape Design Statement has been prepared by Murray & Associates. • A Landscape & Visual Impact Statement has been prepared by Murray & Associates.
<p>On larger urban redevelopment sites, proposed developments should make a positive contribution to place-making, incorporating new streets and public spaces, using massing and height to achieve the required densities but with sufficient variety in scale and form to respond to the scale of adjoining developments and create visual interest in the streetscape.</p>	<ul style="list-style-type: none"> • The site does not directly adjoin any street, but the layout is such that it would create a strong urban edge to its western and northern sides and to a lesser extent to the eastern elevation. • The northern elevation is important as it provides for a strong urban edge adjoining open space/ greenway associated with the Mayne River, which is located to the north of the site. • An Architectural Design Statement by JSA Architects has been submitted in support of the development.
<p>At the scale of district/ neighbourhood/ street</p>	
<p>Criteria</p>	<p>Response</p>
<p>The proposal responds to its overall natural and built environment and makes a positive contribution to the urban neighbourhood and streetscape.</p>	<ul style="list-style-type: none"> • The development will provide for good frontages to its western and northern sides. • The development will provide a strong urban edge through its location on part of the northern sides of the Northern Cross development.

<p>The proposal is not monolithic and avoids long, uninterrupted walls of building in the form of slab blocks with materials / building fabric well considered.</p>	<ul style="list-style-type: none"> • Two separate apartment blocks are proposed, with an adequate separation between them. • The design includes careful articulation of fenestration and detailing that ensure that the massing of the blocks is suitably broken up to ensure that the design of the development is not monolithic.
<p>The proposal enhances the urban design context for public spaces and key thoroughfares and inland waterway/ marine frontage, thereby enabling additional height in development form to be favourably considered in terms of enhancing a sense of scale and enclosure while being in line with the requirements of “The Planning System and Flood Risk Management – Guidelines for Planning Authorities” (2009).</p>	<ul style="list-style-type: none"> • The design provides for a suitable residential development in Northern Cross which is a mixed-use development. Open space is provided on site and which is proposed to be accessible to public use. • The ‘Planning System and Flood Risk Management – Guidelines for Planning Authorities’ (2009) are complied with, and a Site-Specific Flood Risk Assessment has been prepared by Barrett Mahony Consulting Engineers.
<p>The proposal makes a positive contribution to the improvement of legibility through the site or wider urban area within which the development is situated and integrates in a cohesive manner.</p>	<ul style="list-style-type: none"> • Improved legibility is provided in the form of strong elevations, with particular reference to the northern elevation facing the Mayne River.
<p>The proposal positively contributes to the mix of uses and/ or building/</p>	<ul style="list-style-type: none"> • The proposed development will provide for a mix of one and two-bedroom

dwelling typologies available in the neighbourhood.	apartment units. The immediate area is characterised by similar type housing, however the adjoining area to the north in Belcamp provides for family type housing.
At the scale of the site/ building	
Criteria	Response
The form, massing and height of proposed developments should be carefully modulated so as to maximise access to natural daylight, ventilation and views and minimise overshadowing and loss of light.	<ul style="list-style-type: none"> • The development is in the form of two blocks with staggered heights. This allows for good access to natural light and reduces the potential for overshadowing.
Appropriate and reasonable regard should be taken of quantitative performance approaches to daylight provision outlined in guides like the Building Research Establishment's 'Site Layout Planning for Daylight and Sunlight' (2nd edition) or BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'.	<ul style="list-style-type: none"> • The applicant has engaged the services of Digital Dimensions to prepare a Daylight and Sunlight Assessment, and which is included with the application.
Where a proposal may not be able to fully meet all the requirements of the daylight provisions above, this has been clearly identified and a rationale for any alternative, compensatory design solutions has been set out, in respect of which the	<ul style="list-style-type: none"> • As above.

<p>Board has applied its discretion, having regard to local factors including specific site constraints and the balancing of that assessment against the desirability of achieving wider planning objectives. Such objectives might include securing comprehensive urban regeneration and or an effective urban design and streetscape solution.</p>	
<p>Specific Assessment</p>	
<p>Criteria</p>	<p>Response</p>
<p>To support proposals at some or all of these scales, specific assessments may be required and these may include: Specific impact assessment of the micro-climatic effects such as downdraft. Such assessments shall include measures to avoid/ mitigate such micro-climatic effects and, where appropriate, shall include an assessment of the cumulative micro-climatic effects where taller buildings are clustered.</p>	<ul style="list-style-type: none"> • Daylight and Overshadowing analysis have been submitted and demonstrate compliance with standards, as applicable. • A Microclimate Impact Assessment Report has been prepared by TMS Environmental Ltd, and no issues of concern are raised.
<p>In development locations in proximity to sensitive bird and / or bat areas, proposed developments need to consider the potential</p>	<ul style="list-style-type: none"> • An Terrestrial Ecology Report and a Natura Impact Statement have been submitted in support of the application

interaction of the building location, building materials and artificial lighting to impact flight lines and / or collision.	<p>and which fully consider the impact of the development on bird and bats.</p> <ul style="list-style-type: none"> • Bats would not be impacted as the woodland strip to the north of the site, which would offer potential bat roosting/ foraging, would not be impacted by the proposed development.
An assessment that the proposal allows for the retention of important telecommunication channels, such as microwave links.	<ul style="list-style-type: none"> • A Telecommunications Report has been prepared by Independent Site Management Limited and no issues of concern were raised.
An assessment that the proposal maintains safe air navigation.	<ul style="list-style-type: none"> • N/A Due to the location of the development and height proposed.
An urban design statement including, as appropriate, impact on the historic built environment.	<ul style="list-style-type: none"> • Included with the application is an Architectural Design Statement prepared by JSA Architects and which demonstrates how the development will integrate into its surroundings.
Relevant environmental assessment requirements, including SEA, EIA, AA and Ecological Impact Assessment, as appropriate.	<ul style="list-style-type: none"> • SEA and EIA not required/ applicable due to the scale of the development. • EclA and AA screening report/ NIS are submitted with the application.

10.3.3. The above table demonstrates that the development complies with Section 3.2 of the 'Urban Development and Building Height' guidelines and that the criteria are suitably incorporated into the development proposal. Many of the issues identified in the table are assessed in greater depth in the following sections of my report.

10.3.4. Block 10B has a maximum height of 39.24 m on the northern elevation and which extends to 41.14 m if measured to the top of rooftop equipment and lift

shaft area. The Dublin City Development Plan under Section 15.1.1.1 'SDRA1 North Fringe (Clongriffin–Belmayne)' specifies minimum heights of 5 storeys for the Key District Centres at Clongriffin railway station and the N32/ Malahide Road junction. Section 16.7.2 of the Dublin City Development Plan provides maximum heights for Mid-Rise areas such as the North Fringe and heights up to 50 m are considered subject to a list of criteria. The proposed Block 10B is less than this 50 m and therefore both blocks are considered to be acceptable. I therefore consider that the proposed blocks are acceptable in terms of height.

10.3.5. National and local policy is to provide for increased heights and density on sites that can be demonstrated to be appropriate/ suitable for such development. The above table includes appropriate considerations for such development. The proposed development will provide for a mix of apartment types in an area where there is a requirement for such housing types/ mix of residential unit types. I note that no submissions were received in relation to this development and the issue of height was not therefore raised as an issue of concern by residents etc. in the adjoining area.

10.3.6. The issue of Material Contravention is considered further in this report under Section 10.13.

10.3.7. **CE Report Comments:** The Planning Authority, consider that the proposed development may give rise to material contravention in terms of height, however, they have clearly stated that they support the proposed development and that the height of the two blocks is appropriate for this location.

10.3.8. **Conclusion on Section 11.4:** I have considered in full the report of the Planning Authority and relevant documentation in support of the design aspect of this development. The proposed development provides for two apartment blocks one of which has a maximum height of 41.1 m (building height of 39 m). This is still below the maximum height of 50 m for development within the SDRA/ North Fringe area. The issue of Material Contravention is considered later under Section 11.14 of this report.

10.3.9. I have no reason to recommend a refusal of permission on the basis of height of the proposed development.

10.4. Design and Layout

10.4.1. As already reported, the site is located on lands that are zoned Z14 and are suitable for residential development. The focus is therefore to integrate such a development into the existing established urban area, in this case the rest of the Northern Cross development area. The development is located on a former surface car park which is currently in use for construction materials/ equipment storage.

10.4.2. The proposed development consists of two apartment blocks on an area of land that is located to the north western section of a mostly developed mixed use area. The provision of residential development in this location would not have a negative impact on existing/ adjoining land uses. Access to the site is via the existing road network and no new junctions are required to serve the development. The proposed access road is an extension of the existing road network, and which continues north and turns right and continues on to join an existing cul-de-sac.

10.4.3. Car parking is provided at surface and basement level with access to the basement spaces available under Block 10B and from the northern side of this apartment block. The basement car park extends under both Blocks 10A and 10B and also provides for bicycle parking spaces, bin storage and plant storage. The lift/ stair cores start at basement level and continue upwards through the different floors of the apartment blocks. This allows for direct access from the apartments to the basement level car and bicycle parking areas.

10.4.4. **CE Report comments:** The Planning Authority raised no particular concerns in respect of the layout/ design of the development.

10.4.5. **Conclusion on Section 11.5:** The proposed design is considered to be acceptable for this location. The site is constrained by the available site area and the location of buildings on adjoining sites. I am satisfied that the applicant has proposed a suitable scale and density of development on this site. There is no reason to recommend a refusal of permission to the Board in terms of the proposed design and layout.

10.5. Visual Impact

10.5.1. The Architectural Design Statement and the Building Material Report, both by JSA Architects, describes the elevational treatment and design of the two apartment blocks. Section iii. 'Proposed Façade Materials' of the Building Material Report describes the elevational treatment, which consists of three toning brick

colours. The indicated brick colours are Ivory, Staffordshire Blue, and Platinum White. The colour of the mortar will match the tone of the brick, dark mortar for the Staffordshire Blue bricks and lighter/ white mortar for the other bricks. From the submitted elevational drawings, the ground floor of the building will utilise the Platinum White Brick, the central floors will be finished in the Ivory brick and the darker Staffordshire Blue brick, with the Staffordshire Blue Brick also proposed for the upper floors of the development.

10.5.2. The proposed louvres on the windows will be either coloured bronze or grey depending on the colour of the adjoining brick. The proposed balconies will use clear glazing set into the balcony floor, and it is not proposed to be provide a rail on top in order to maintain views. A variety of balconies are proposed with a use of recessed, semi-recessed and surface fixed balconies indicated on the floor plans.

10.5.3. In addition to the above reports, the applicant has submitted a 'CGI and Photomontage Brochure' prepared by Digital Dimensions in support of the application. The photomontages present a clear impression of how the development will appear post construction. I am satisfied that the design is of a high quality and will provide for a suitable form of development into the existing urban area. The various design detailing is clearly illustrated in these photomontages, including the brick finishes, the design of the balconies and the angled/ deflected windows used to prevent overlooking of adjoining sites.

10.5.4. The second part of the CGI and Photomontage Brochure demonstrates what the impact of the development will be on the adjoining area and from more distant locations. The location of the different viewpoints is clearly indicated on the 'Location Map – Photomontages' and these are provided to the south, west and east of the site. I am satisfied that the proposed development will not have a negative impact on the visual amenity of the area and the submitted documentation confirms this. The adjoining sites have or are proposed to be developed with a similar scale of development and therefore the development would not a negative impact on the visual character of the immediate area. Similarly, the more distant views do not give rise to any concern and the proposed development will successfully integrate into its surroundings.

10.5.5. **CE Report comments:** The Planning Authority do not report any issues in relation to the proposed design/ visual impact of this development. The site

is not a greenfield site and provides for a more appropriate development of this site for high density residential accommodation. The development will also open up/bring activity towards the river to the north of the site.

10.5.6. Conclusion on Section 11.5:

10.5.7. The proposed blocks are considered to be visually acceptable, and the mix of brick and other architectural detailing is considered to be appropriate for this location. The Northern Cross area has developed over the last two decades, with a mix of uses and building types, but there is a level of consistency in the design of the units. The proposed scheme will integrate with the existing form of development in the area.

10.5.8. The proposed apartment blocks are considered to be visually acceptable and will integrate into this established urban area. There is no reason to recommend a refusal of permission to the Board in terms of the impact on visual amenity.

10.6. Residential Amenity – Future Occupants

10.6.1. Unit Mix: A total of 75 one-bedroom units and 81 two-bedroom units are proposed, with 32 x one-bedroom and 39 x two-bedroom units in Block 10A and 43 x one-bedroom and 42 x two-bedroom units in Block 10B. All the proposed two-bedroom units can accommodate four people. This unit mix is considered to be acceptable. Northern Cross has to date provided for high density residential development and it can be accepted that the majority are either one or two-bedroom units. It is also noted that units more suitable as family homes are available in the adjoining area such as in the Belcamp development to the north of the subject site.

10.6.2. Quality of Units – Floor Area: A ‘Housing Quality Assessment’ prepared by JSA Architects has been submitted with the application and this provides a detailed breakdown of each of the proposed apartment units. All units exceed the minimum required floor areas, with 155 units (99%) providing for over 110% of the required minimum floor area. The proposed apartments are considered to be acceptable and demonstrate compliance with SPPR 3 of the ‘Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities’.

10.6.3. All units are provided with adequate storage space, and which is accessible within the individual apartment. I note that some units are provided with

storage spaces that are in excess of 3.5 sq m, however the layout of these is such that they cannot be used as additional habitable floor space by reason of their narrow width.

10.6.4. A total of 82 units (53%) are dual aspect units. There are a number of single aspect, north facing only units and the applicant has proposed compensatory measures in the form of larger windows. These units also have views over the river valley/ treeline to the north of the site; the north facing units have the benefit of the best outlook from the development. The proposed floor to ceiling heights within the apartment units are approximately 2.6 m except for the ground floor units which are approximately 2.9 m in height. This is in accordance with SPPR 5 of the 'Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities'.

10.6.5. The maximum number of apartments per lift core is eight and the lift extends to the basement area allowing for access from the apartments to the basement car parking area. The provision of lifts per floor is in compliance with SPPR 6 of the 'Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities'.

10.6.6. **Conclusion on Sections 11.7.1 - 11.7.4:** The proposed development provides for an adequate mix of unit types. The internal layout of these units is acceptable and complies with recommended requirements. There is no reason to recommend a refusal of permission to the Board in terms of the unit mix and internal floor area quality.

10.6.7. **Quality of Units – Amenity Space:** All units are provided with adequate private amenity space in the form of balconies for the upper floor units/ terraced areas for the ground floor units. Access is from the living room area for all units, except for the upper floors. I note that the private amenity space for in Block 10A units 1.A.2, 2.A.2, 3.A.2, 4.A.2, 5.A.2, 6.A.2 and 7.A.2 extends across the front of the bedroom. This may reduce the amenity value of these spaces, but that is an issue for future occupiers to consider. In the case of units 8.A.4 and 9.A.4, access is from the living room area to a balcony area, but also additional balcony space is provided to the front of the bedrooms. All balconies have at least 1.5 m depth, which is in accordance with minimum requirements set out in the Apartment Guidelines. The Microclimate Impact Assessment Report prepared by TMS Environmental Ltd.

indicates that the vast majority of the private amenity spaces will not be negatively impacted by wind and the applicant has proposed suitable measures to address any areas of particular concern.

10.6.8. The applicant has proposed a total of 2,176 sq m of public open space and a total of 1,178 sq m of communal open space. The communal open space is accessible to all units. The site has access to public open space that has already been provided as part of the Northern Cross development.

10.6.9. I am satisfied that the developer has proposed an adequate area of open space on site to serve the future residents of this development. The proposed open space will be appropriately overlooked ensuring passive surveillance.

10.6.10. **CE Report comments:** The Planning Authority raised no issues of concern in relation to the proposed amenity spaces to serve this development. The Dublin City Parks, Landscape and Biodiversity Division have reported that the submitted landscape scheme is acceptable subject to recommended conditions.

10.6.11. **Conclusion on Sections 11.7.6 – 11.7.8:** The proposed development provides for adequate private, communal, and public open space areas. There is no reason to recommend a refusal of permission to the Board in terms of the quality of the amenity spaces.

10.6.12. **Daylight and Sunlight:** The applicant has engaged the services of Digital Dimensions to prepare Daylight & Sunlight Assessments to assess the impact of the development in relation to daylight and sunlight. This assessment has been prepared based on best practice guidance set out in the following documents:

- BR209 2022: Site Layout Planning for Daylight and Sunlight (Third edition).
- BS EN 17037:2018+A1 Daylight in Buildings. This supersedes BS8206-2:2008.
- IS EN 17037:2018 Daylight in Buildings

Regard is also had to:

- Sustainable Urban Housing: Design Standards for New Apartments (December 2020)
- Urban Development and Building Heights Guidelines for Planning Authorities (2018)

The submitted report provides details on Sunlight Hours (by Met Éireann), standard values for apartments (materials and reflective details) and target illuminance values as provided in the above guidelines.

The submitted assessment undertook a number of tests and these are detailed in the following section of this report.

10.6.13. Daylight to proposed apartments: The applicant has demonstrated compliance with the calculation of Daylight Provision under IS and BS EN 17037:2018, with the illuminance method, and the results are presented in Table 7 of their report and further detailed in Appendix A of their report. Appendix D provides supplementary result for the Daylight Factor method assessment and also for the ADF method under BR209:2011. 100% of the rooms meet the minimum daylight provision.

10.6.14. Sunlight to proposed apartments: BR209:2022 (third edition) and BS EN 17037 provide recommendations for sunlight hours to be achieved, preferably within a main living space. The guidelines recommend that the sunlight hours should be assessed preferably on the 21st of March, over the course of the day. These guidelines set three levels. Minimum - 1.5 hours, Medium - 3 hours, and High - 4 hours. Table 9 of the applicant's report provides a summary of the results of assessment of the sunlight hours, full details are provided in Appendix C. 58% of the main living spaces achieve the minimum recommended 1.5 hours of direct sunlight. Those units that do not exceed the minimum sunlight hours, achieve the high target and will be well sunlit.

10.6.15. The following units do not meet the sunlight target for the 21st of March:

Block	Floor	Apartment	Sunlight Hours	Aspect	
10A	Ground	A.06	0.42	North only	
10A	Ground	A.07	0.00	North only	
10A	Ground	A.08	0.42	North and East	
10A	First	A01.6	0.42	North only	
10A	First	A01.7	0.42	North only	

10A	First	A01.8	0.33	North and East	
10A	Second	A02.6	0.42	North	
10A	Second	A02.7	0.42	North	
10A	Second	A02.8	0.58	North and East	
10A	Third	A03.6	0.42	North only	
10A	Third	A03.7	0.42	North only	
10A	Third	A03.8	0.58	North and East	
10A	Fourth	A04.6	0.42	North only	
10A	Fourth	A04.7	0.42	North only	
10A	Fourth	A04.8	0.50	North and East	
10A	Fifth	A05.6	0.42	North only	
10A	Fifth	A05.7	0.42	North only	
10A	Fifth	A05.8	0.42	North and East	
10A	Sixth	A06.6	0.42	North only	
10A	Sixth	A06.7	0.42	North only	
10A	Sixth	A06.8	0.17	North and East	
10A	Seventh	A07.6	0.42	North only	
10A	Seventh	A07.7	0.42	North only	
10A	Seventh	A07.8	0.33	North and East	
10A	Eight	A08.4	0.33	The results for these appear to be incorrect, unit 8.4 and 9.4 are south facing only. There appears to be mislabelled units.	
10A	Ninth	A09.4	0.67		
10B	Ground	B00.5	0.67	North and West	
10B	Ground	B00.6	0.58	North only	

10B	Ground	B00.7	0.83	North only	
10B	First	B01.5	0.50	North and West	
10B	First	B01.6	0.50	North only	
10B	First	B01.7	0.33	North only	
10B	First	B01.8	0.83	North and East	
10B	Second	B02.5	0.50	North and West	
10B	Second	B02.6	0.50	North only	
10B	Second	B02.7	0.33	North only	
10B	Second	B02.8	0.83	North and East	
10B	Third	B03.5	0.50	North and West	
10B	Third	B03.6	0.50	North only	
10B	Third	B03.7	0.33	North only	
10B	Third	B03.8	0.83	North and East	
10B	Fourth	B04.5	0.50	North and West	
10B	Fourth	B04.6	0.50	North only	
10B	Fourth	B04.7	0.33	North only	
10B	Fourth	B04.8	0.83	North and East	
10B	Fifth	B05.5	0.50	North and West	
10B	Fifth	B05.6	0.50	North only	
10B	Fifth	B05.7	0.42	North only	
10B	Fifth	B05.8	0.83	North and East	
10B	Sixth	B06.5	0.50	North and West	
10B	Sixth	B06.6	0.50	North only	
10B	Sixth	B06.7	0.58	North only	
10B	Sixth	B06.8	0.83	North and East	
10B	Seventh	B07.5	0.50	North and West	

10B	Seventh	B07.6	0.50	North only	
10B	Seventh	B07.7	0.50	North only	
10B	Seventh	B07.8	0.83	North and East	
10B	Eight	B08.5	0.58	North and West	
10B	Eight	B08.6	0.50	North only	
10B	Eight	B08.7	0.58	North only	
10B	Eight	B08.8	0.83	North and East	
10B	Ninth	B09.5	0.33	North and West	
10B	Ninth	B09.6	0.42	North only	
10B	Ninth	B09.7	0.17	North only	
10B	Tenth	B10.5	0.58	North and West	
10B	Tenth	B10.6	0.42	North only	

The units identified as below standard are north facing and would be provided with larger windows and an attractive north facing aspect onto the Mayne River.

10.6.16. Sunlight to open spaces: Table 10 and Figure 4 of the applicant's report indicates the availability of sunlight on the 21st of March to the areas of open space serving the development. The criteria are met in terms of 50% of the relevant site area receives two hours sunlight on the 21st of March.

10.6.17. **CE Report Comments:** Note that a Daylight and Sunlight analysis have been submitted in accordance with Section 16.10.1 of the Dublin City Development Plan. Concern was expressed in pre-planning about the amenity afforded to the residents in the northern facing units, however the submitted report demonstrates that these units will receive adequate daylight. Although no longer recommended to be undertaken, an ADF analysis indicates that all but one unit would pass the requirements.

10.6.18. The northern only facing units would fail to receive adequate sunlight and the Planning Authority note also that the proposed development of Rosemount to the south would impact on the availability of sunlight to this development. The Planning Authority do not oppose the development and note its location within an

urbanised area and also the future residents would not notice any loss of sunlight as adjoining development is likely to take place on a similar timescale to the subject development.

10.6.19. **Conclusion on Daylight and Sunlight Assessments:** I have had appropriate and reasonable regard of quantitative performance approaches to daylight provision, as outlined in the BR 'Site Layout Planning for Daylight and Sunlight' (3rd edition) and BS EN 17037:2018 and IS EN 17037:2018. The proposed development is restricted by its location and the form of development undertaken on adjoining lands. Northern Cross has developed in a high-density format and the proposed scheme would match that form of development. A reduction in building heights/ loss of units would not address any issues of reduced residential amenity. The north facing units, which would suffer the greatest lack of sunlight, benefit from good views to the north and which have certainty of being maintained into the future. These compensatory measures are considered to be sufficient in this instance.

10.6.20. The provision of suitably large windows etc. will ensure that all units receive adequate daylight. Ground floor units are the most likely to endure reduced sunlight and daylight but have other advantages such as accessibility and proximity to open space.

10.6.21. I note that some of the south facing units are indicated to have reduced availability of sunlight and the Planning Authority have implied that this is due to the potential impact of the development of the Rosemount House site to the south. This may be the case, but the submitted floor plans in the applicant's report appear to be mislabelled and it is more likely that the north facing units rather than the south facing units will receive reduced sunlight.

10.6.22. Having regard to the location of the proposed scheme and the nature of development undertaken to date, I have no reason to recommend a refusal of permission due to daylight and sunlight reasons.

10.6.23. **Childcare Provision:** The proposed development provides for a total of 156 residential units; however, all are either one or bedroom units. In support of the application, a 'Social and Community Infrastructure Audit' has been prepared by JSA. Reference is made to the Sustainable Urban Housing: Design Standards for New Apartments, 2020 which state that 'One-bedroom or studio type units should

not generally be considered to contribute to a requirement for any childcare provision and subject to location, this may also apply in part or whole, to units with two or more bedrooms’.

10.6.24. Childcare provision would therefore only apply to the two-bedroom units, 81 in total. I have made the following calculations in the interests of simplicity:

	2001 Childcare Guidelines	2020 Apartment Guidelines – without 1 beds	2020 Apartment Guidelines – without 1 beds and only 50% of 2 beds
Number of Units	156	81	41
1 Facility with capacity for 20 children for every 75 units	42	22	11

10.6.25. The applicant is not proposing to provide any facility to serve this development as a facility operating as Giraffe Childcare is intended to meet the childcare needs of the Northern Cross development. This facility may extend if demand is sufficient to do so. The applicant has identified a vacant childcare facility in the Clare Village development, which is approximately 500 m from this site. This facility would have capacity for 47 children. Additional facilities in the area are identified by the applicant in their report.

10.6.26. **CE Report Comments:** Note that no childcare provision is to be made and that there is capacity in the area to accommodate the potential demand from this development. The Planning Authority agree with the applicant’s report and that the provision of a unit may result in a empty facility that cannot be occupied on an economic/ demand led basis.

10.6.27. **Conclusion on Childcare Provision:** The proposed development provides for one- and two-bedroom units and the likely demand for childcare has been demonstrated to be very low, I agree with this conclusion and there is no need

for a facility on this site. The submitted details by the applicant indicates that capacity for childcare is available in the immediate area.

10.6.28. **Conclusion on Residential Amenity:** Overall the proposed development will provide for a high quality of residential amenity in this established urban area. Room sizes and amenity spaces are of a good standard. The site is restricted by its urban location and the site layout, but the proposed scheme will provide for a suitable development of this serviced urban site. The development complies with the requirements of National and Local policies.

10.7. Residential Amenity – Existing/ Adjacent Residents

10.7.1. Existing Site: The development of any site within an established urban setting will give rise to a level of nuisance and disturbance to residents, especially during the construction phase. It is accepted that any form of development of a site of this scale and located in such an area will give rise to some temporary nuisance and this has to be weighed up against the long-term impact of the development of this site. The site currently provides for an unproductive use within an urban area that is well served by public transport and facilities, and which is located in an area with a demand for additional housing.

10.7.2. A Construction Management Plan will be put in place prior to the commencement of development. Access to the site is via the existing access from the R139 and there is no requirement for a haul road to access the development site etc.

10.7.3. **Daylight and Sunlight:** The impact of the development in terms of daylight and sunlight on adjoining properties is considered in the Daylight & Sunlight Assessments prepared by Digital Dimensions. This assessment has been prepared based on best practice guidance set out in the following documents:

- BR209 2022: Site Layout Planning for Daylight and Sunlight (Third edition).
- BS EN 17037:2018+A1 Daylight in Buildings. This supersedes BS8206-2:2008.
- IS EN 17037:2018 Daylight in Buildings

Regard is also had to:

- Sustainable Urban Housing: Design Standards for New Apartments (December 2020)

- Urban Development and Building Heights Guidelines for Planning Authorities (2018)

The submitted report provides details on Sunlight Hours (by Met Éireann), standard values for apartments (materials and reflective details) and target illuminance values as provided in the above guidelines.

The submitted assessment undertook a number of tests and these are detailed in the following section of this report.

10.7.4. Daylight Analysis: The applicant's assessment included developments on adjoining sites – the permitted Site 2/ Block 2 scheme to the east and the potential massing for the redevelopment of the Rosemount House site to the south of the site. The development on Site 2 had full regard to the development potential of the subject site. The assessment of the impact of the proposed development on Site 2 was undertaken for the ground floor. A bedroom (Unit 25 in Site 2) does not meet the Target Value but does meet the Minimum target value and similar results can be expected for the upper floors of this building.

10.7.5. An assessment for Average Daylight Factor (ADF) was undertaken for Site 2/ Block 2 and all values were met. There would be no adverse impact from the proposed development in terms of daylight and sunlight on units within Site 2/ Block 2. Full details are provided in Appendix E of the applicant's report. Rosemount House (proposed for development) is located due south and there would be no impact from the development in terms of sunlight and overshadowing.

10.7.6. Sunlight to existing amenity areas: The proposed development is located to the north of the amenity spaces associated with Block 2 and the proposed development of Rosemount House. There will be no loss of sunlight to these amenity spaces as a result of the proposed development. This is further confirmed in the shadow analysis undertaken in Section 7 of the applicant's report.

10.7.7. Overshadowing: The submitted shadowing analysis that is provided in Section 7 of the applicant's report is noted and does not give rise to any issues of concern. The proposed development is to the north of the Rosemount House site and no impact is foreseen. Any impact to Site/ Block 2 to the east would be in the evenings for March, June, and September as well as all day in December. This is as expected having regard to the nature and scale of development in this urban location.

10.7.8. **CE Report Comment:** The Planning Authority through the CE report do not oppose the proposed development.

10.7.9. **Conclusion on sunlight/ daylight impacts to neighbouring properties:** It is noted that there is likely to be instances where judgement and balance of considerations apply. To this end, I have used the Guidance documents referred to in the Ministerial Guidelines and within the Dublin City Development Plan 2016 - 2022 to assist me in identifying where potential issues/impacts may arise and to consider whether such potential impacts are reasonable, having regard to the need to provide new homes within the Dublin city area, and to increase densities within zoned, serviced and accessible sites, as well as ensuring that the potential impact on existing residents from such development is not significantly negative and is mitigated in so far as is reasonable and practical. Existing units and their private amenity spaces will receive adequate sunlight, in accordance with the BRE Guidance. I have no reason, therefore, to recommend to the Board that permission be refused.

10.7.10. **Potential overlooking:** In addition to the issue of height, the issue of separation distance is one of the major issues to be considered in the assessment of this proposed development, with particular reference to overlooking. The proposed development incorporates a number of measures to address the constraints of the site including the provision of angled windows and screening in suitable locations. The potential impact for overlooking from the following directions are considered:

- **North Aspect:** No issue arises from this aspect. Separation distances of between 32 and 39 m are provided between the proposed apartment blocks and the site boundary to the north. The development to the north within the Belcamp lands is further north of this point.
- **West of Block 10A:** No issues arise, the lands to the west are in use as open space and lands associated with the riparian corridor of the Mayne River.
- **East of Block 10B:** Site/ Block 2 is located to the east of the subject site. The separation between the proposed development and the adjoining block is approximately 12.5 to 12.9 m, though I note that the majority of the separation is on the subject site. The proposed windows in the eastern elevation of Block 10B have been designed to address potential issues of overlooking by being angled and also through the provision of suitable screening on the upper floors of this

block. This design approach addresses any issue of concern and ensures that suitable residential amenity is provided for the future occupants of these units. The angled windows are primarily provided to bedrooms and a consequence of this is the bedrooms will appear much larger.

- South of Blocks 10A and 10B: At present Rosemount House, which is in use as offices, is located to the south of the subject site. This site is proposed for residential development (ABP Ref. 314408-22) and it is appropriate that due regard to future residential amenity is taken into account. At present, due to the angled nature of the proposed blocks, Block 10A is between 7 m and 13 m from the southern boundary and Block 10B is between 13.6 m and 12.4 m from the boundary. The separation to Rosemount House is another 15 m away. The submitted documentation indicates that a separation of at least 22 m can be provided between the proposed development and the development of the Rosemount site to the south. As already reported, the proposed development will not impact on the Rosemount site in terms of loss of daylight or sunlight.
- Separation between Blocks 10A and 10B: This is an issue for the future occupants of these blocks rather than an impact on adjoining sites. The separation distance between the blocks varies from 12.7 m to the southern part to 13 m to the northern part. The applicant has again proposed the use of angled windows and screening to ensure that issues of overlooking do not arise, and this is considered to be acceptable for this part of the development.

10.7.11. **CE Report comment on residential amenity:** I note again the comments in the CE report. No particular issues of concern were raised in their report, and they comment on the fact that separation distances have been revised from that proposed in pre-planning. The Planning Authority report that the proposed development would not have an adverse impact on either existing or proposed residential development on the adjoining sites.

10.7.12. **Conclusion:** Overall I am satisfied that the development will not have a unduly negative impact on the existing residential amenity of the area. The site zoning allows for residential development of the scale/ density proposed, is located in an established urban area and with access to existing services. I have no reason,

therefore, to recommend to the Board that permission be refused due to impact on the residential amenity of the existing area.

10.8. Transportation, Traffic and Parking

10.8.1. The application is supported with a number of documents in relation to traffic and parking as follows:

- Northern Cross Masterplan Report – John Spain Associates
- Infrastructure Report - Barrett Mahony Consulting Engineers
- Outline Car Park Management Strategy - Barrett Mahony Consulting Engineers
- Residential Travel Plan – Barrett Mahony Consulting Engineers
- Traffic Impact Assessment – Barrett Mahony Consulting Engineers
- DMURS Compliance Statement – Barrett Mahony Consulting Engineers
- Parking and Mobility Management Plan – Barrett Mahony Consulting Engineers
- Quality Audit – PMCE
- Response To Quality Audit – Barrett Mahony Consulting Engineers
- Public Transport Capacity Study – Transport Insights

10.8.2. Traffic: The submitted reports indicate that the proposed development will not adversely impact on traffic flows in the area. Surveys were undertaken in September 2019, although this is some time ago, it is likely to be more representative of the current situation than if the surveys were completed between 2020 and 2021.

10.8.3. The assessment has found that traffic generated by the proposed development will be relatively light and will not have a noticeable impact on the existing road network. Consideration of the impact on the following three junctions were made:

- Northern Cross Route Extension/ Mayne River Avenue (signalised junction)
- Malahide Road/ Mayne River Avenue (full priority junction)
- Malahide Road/ Mayne River street (left in/ left out junction)

The proposed development would give rise to increase in flows of these junctions of between 1% and 2.5% and this is well below stated thresholds – summary details

are provided in Table 4-1 of the Traffic Impact Report, with full details provided in the Appendices. The applicant notes that there are proposals for significant road improvements in the Northern Cross/ Malahide Road area.

10.8.4. The submitted Quality Audit identifies issues with the road layout, car parking provision etc. and recommendations are made as how to address these issues. These are noted and are considered to be acceptable. I note the submitted DMURS Compliance Statement and this demonstrates that the layout of the development is acceptable.

10.8.5. Car Parking: The proposed development is supported with a Parking and Mobility Management Plan and an Outline Car Park Management Strategy. The proposed development provides for a total of 94 car parking spaces, which is approximately 40% of the maximum car parking requirement set out in the Dublin City Development Plan 2016 – 2022. Four of these spaces will be allocated for 'Go Car' car club use and this is in addition to two spaces allocated to the permitted Site/ Block 2 development for such use. 45 parking spaces are provided in the basement with the rest at ground level and located to the north of the site. Five spaces to the north of Block 10B are indicated for use by those with mobility issues.

10.8.6. The submitted reports indicate how they consider that the car parking provision is appropriate for this development and have regard to national and local guidance and to survey data indicating likely demand. The area is well served by public transport in the form of a number of bus routes with different destinations and also through a connection by the 15-bus route to Clongriffin station. The Outline Car Park Management Strategy indicates how car parking will be managed on site.

10.8.7. Bicycle/ Motorcycle Parking: A total of 322 bicycle parking spaces are proposed to serve the development. Two separate areas for parking are provided for each of Block 10A and 10B, thereby providing for a total of four separate parking areas. Additional parking is available outside these blocks. Space is also indicated on the submitted basement plan for motorcycle parking.

10.8.8. Public Transport: The applicant has outlined the public transport provision in the area in the submitted Planning Report but also through the Public Transport Capacity Study prepared by Transport Insights. I note Table 2.1, and which provides the 'Current Public Transport Services in Application Site's Vicinity'.

Generally, this is acceptable, though I have reported the bus frequency in section 2.4 of my report, and I note some differences between frequency. For example, the current Dublin Bus timetable indicates an off-peak frequency of every 10 minutes on the 27 route, the applicant indicates this to be every 20 minutes. I consider that the applicant has understated the off-peak frequency.

10.8.9. I note their survey under Table 3.1 of the AM Peak at Bus Stop no. 4563 on the Malahide Road. In conclusion the excess capacity is estimated to be 73% or 3,309 spaces (seated and standing). The PM peak was measured from Bus Stop no. 51 – Portland Row, Dublin 1 and this is appropriate as one of the last stops in the city centre heading northbound. Excess capacity was found to be 39% or 2,076 spaces. In conclusion there is adequate public transport capacity in the form of buses, to serve the needs of the proposed development.

10.8.10. **CE Report Comments:** Dublin City Council Transportation Planning Division raised no objection to the development in their report; conditions are provided in the event that permission is to be granted.

10.8.11. **Conclusion on Transportation, Traffic and Parking:** The development is located in an area with good public transport provision, and which is accessible within walking distance of the site. Car and bicycle parking provision is appropriate to the scale and nature of development proposed. Conditions will be recommended for the suitable provision of electric charging for the parking spaces and that suitable provision is made for parking for motor cycles, though I note that space is allocated for such use on the submitted basement plans.

10.9. Infrastructure and Flood Risk

10.9.1. Irish Water and Dublin City Council Drainage Division have reported no objection to this development in relation to the connection to public foul drainage and the public water supply systems. The applicant has engaged with Irish Water and has submitted design proposals. Irish Water have recommended in the event that permission is granted.

10.9.2. Similarly, Dublin City Council Drainage Division have provided conditions in the event that permission is granted, in relation to surface water drainage serving the development. No capacity constraints have been identified by either body.

10.9.3. A 'Site-Specific Flood Risk Assessment' – prepared by Barrett Mahony Consulting Engineers has been included with the application. The assessment has full regard to 'The Planning System and Flood Risk Management Guidelines for Planning Authorities, 2009'. The site area is 0.76 hectares and the site slopes downwards towards the northern part of the site. The Mayne River is located to the north of the site and the coastline is circa 3.2 km to the east of the site. A full SuDS scheme is proposed for the subject site. The site is assessed to be in Flood Zone C.

10.9.4. The submitted report has considered the following forms of potential flooding:

- Coastal Flooding: The coastline is circa 3.2 km to the east of the site and there is risk to the development from coastal flooding.
- Tidal/ Fluvial Flooding: A review of the OPW Eastern CFRAM Mapping was carried out and the available information indicates that the site is located outside of the Flood Risk Areas. The risk of fluvial flooding within the subject site is therefore considered to be negligible.
- Pluvial Flooding: Consideration has been given to blockages of the surface water drainage system and the potential impact from pluvial flooding. The assessment has found that surface water will flow towards the Mayne River via existing public roads. It is recommended that the ground level of the proposed blocks be 150 mm above the surrounding ground level in order to prevent any flooding.
- Ground Water: The risk of flooding due to ground water to the proposed development is reported to be negligible.

10.9.5. As the proposed development is located outside of flood zone A and B, there is no requirement for any justification test to be undertaken. In conclusion the report considers that the proposed development is acceptable from a flood risk assessment.

10.9.6. **CE Report Comments:** The Planning Authority did not raise any issues in relation to flooding. The Dublin City Drainage Division did not report any objection to the development subject to conditions including a requirement that all internal basement drainage to be lifted, via pumping, to a maximum depth of 1.5 m

below the ground level before being discharged by gravity from the site to the public sewer in order to minimise any risk of basement flooding.

10.9.7. **Conclusion on Infrastructure and Flood Risk:** The site is served by a public water supply and the public foul drainage network. Wastewater will be treated at the Ringsend WWTP and having regard to the submitted information, there is no concern in relation to this facility been able to treat the foul water from this relatively modest development. The submitted flood risk assessment is thorough and no issues of concern have been raised. I have no reason to recommend a refusal of permission to the Board due to infrastructure and flood risk.

10.10. Social Infrastructure and Part V Social Housing Provision

10.10.1. The 'Community & Social Infrastructure Audit' prepared by John Spain Associates provides details on services and community infrastructure in the vicinity of the subject site. This outlines available childcare facilities, schools, community/ cultural facilities, healthcare facilities and sport/ recreation facilities in the area. Generally, a radius of 2 km from the site is drawn and the number of facilities within this area is identified. Population levels within the area rose from 20,800 in 2011 to 23,302 in 2016, an increase of 12%. All age profiles rose within the surveyed areas which were the four electoral districts located within 1 km of the site, Balgriffin, Priorswood C, Grange A and Ayrfield.

10.10.2. Overall, the area appears to be well served by social, education, community and sporting facilities. Retail provision is available within Northern Cross and at the Clare Hall shopping centre to the south east of the subject site and which is within walking distance.

10.10.3. The applicant has submitted a 'Part V Package' in support of the proposed development and 15 units have been identified as suitable for this. A letter has been submitted by Dublin City Council Housing & Community Services, indicating that the applicant is aware of their requirements in relation to the provision of Part V housing.

10.10.4. **CE Report Comments:** The Planning Authority report that they are satisfied with submitted Audit and they consider that the area is sufficiently well served by existing/ potential social, and community uses such as childcare, recreational and educational facilities. Any increase in demand as a result of the

proposed development can be assimilated by existing facilities without having a negative impact on the amenity of the surrounding area.

10.10.5. The Part V proposal is considered to be acceptable, and reference is made to the report of the Dublin City Council Housing Department, and which no issues of concern are raised.

10.10.6. **Conclusion on 10.10:** The proposed development is located in an area with a good range of services and facilities and adequate Part V housing can be provided on site.

10.11. Comment on Submission/ Observations of the North Central Area Committee

10.11.1. The views of the elected members were submitted alongside and included in the Chief Executive report. Having regard to their important role in plan and place making, I have considered the strategic points raised by them, as outlined below. I note that comments are also provided that refer to the subject site and the proposed development of the Rosemount House site to the south of the subject site – ABP Ref. 314408-22.

10.11.2. Concern was expressed about the number of north facing units and which may be further impacted by trees etc. This issue has been addressed in my report. Whilst not desirable, the applicant has provided a justification for this element of the development and having regard to the established character of the area, the north facing units are considered to be acceptable.

10.11.3. Queries were made regarding the number of car parking and bicycle parking provision on site. Concern about security aspect of underground car parking. I am satisfied that adequate car parking is proposed and similarly the proposed bicycle parking provision is of a high standard. The proposed basement car parking is standard throughout Dublin and nationally and no specific issues of safety are considered in relation to this aspect of the development. Concern was also expressed about the loss of the existing car parking on site. On the day of the site visit it was evident that this site was in use as a construction compound and appears to have had such a use for some time. The car parking use of the site appears to have ceased.

10.11.4. The lack of three-bedroom units was raised as an issue. It would be preferable that such units were provided, however demand in the area is probably for one- and two-bedroom units as a significant number of family sized houses have been provided throughout the SDRA designated lands and on adjoining lands that are located within the Fingal administrative area. Traditional housing provision in the Donaghmede, Priorswood and Baldoyle areas would be two-storey, family sized houses. The proposed development provides for smaller sized units.

10.11.5. The potential loss of sunlight to Site/ Block 2 was raised as an issue. The applicant has submitted a comprehensive sunlight and daylight assessment and although there may be some loss of sunlight, this would not be significant. The proposed development provides for adequate separation distance between the proposed Block 10B and the boundary with Site/ Block 2 to the east.

10.11.6. The lack of community infrastructure was raised, and this issue has been addressed by the applicant in their submitted Community & Social Infrastructure Audit. The proposed Blocks 10A and 10B are only a very small part of the overall development of Northern Cross. The requirement for amenity facilities and open space is different in the case of one/ two-bedroom units than for family sized homes. I am satisfied that the site is adequately serviced for the needs of the future occupants of this development.

10.11.7. The location of the Part V housing was raised as an issue. The Dublin City Council Housing Department did not raise any specific issues of concern and final details can be agreed by way of condition.

10.11.8. Queries were raised about the SHD process and timelines for pre-planning, consultation etc. The submitted application is valid and I note that the SHD process is coming to an end.

10.12. Other Issues

10.12.1. **Waste storage:** The Dublin City Council Waste Regulation and Enforcement Unit have reported no objection to the proposed development subject to recommended conditions. These are standard conditions for developments of this nature.

10.12.2. **Archaeology:** The Dublin City Council Archaeology, Conservation & Heritage Section have reported no objection to the development subject to

conditions. They note the report prepared by IAC (dated August 2022) and which makes reference to recent archaeological testing. This report suggests that recorded monuments are actually landscape features associated with the former Belcamp estate, located to the north of the site. The applicant's report also states that the proposed development area of approximately 0.76 hectares and which at present comprises a car park, has been subject to a significant amount of disturbance and which is likely to have removed any archaeological features that may have been present. No negative impacts are predicted on archaeology in the area as a result of the proposed development.

10.12.3. The submitted report from the applicant and Dublin City Council are noted. I agree with the applicant that any archaeology on site is likely to have been significantly disturbed by development on site over the years. I therefore have no concern regarding the impact of the development on potential archaeology in the area.

10.12.4. **Trees:** Murray & Associates Landscape Architecture have been engaged by the applicant and have prepared an 'Arboricultural Inventory and Impact Assessment Incorporating A Tree Protection Strategy'. The tree survey found 18 trees on site and all of which are proposed to be retained. Protective measures during the construction phase of the development are also detailed in the submitted report. The submitted details are considered to be acceptable.

10.12.5. **Microclimate Analysis:** TMS Environmental have been engaged by the applicant to prepare a 'Microclimatic Impact Assessment Report' in support of the proposed development. In the absence of formal International Standards and Irish Guidelines for such assessment, reference has been had to 'Wind Microclimate for Developments in the City of London, August 2019. It is accepted that these are not directly applicable to Ireland, but some information/ advice is useful from these guidelines. Table 1 of the applicant's report provides the 'City of London Recommended approach for Wind Microclimate Assessments' and other relevant details are provided in Section 3.0 'Assessment Methodology' of the submitted report. 'Baseline Environmental Conditions' are provided in Section 4.0.

10.12.6. The 'Wind Microclimate Impact Assessment' is provided in Section 5.0 of the applicant's report. A desktop assessment was undertaken and the wind impact on private and public open spaces was considered. In addition, the impact on

the entrances of the proposed buildings, ground floor level, roof terraces, and pedestrian comfort were assessed.

10.12.7. In conclusion, this assessment finds that the proposed development would not negatively impact on pedestrian comfort, there is no impact/ critical wind profiles at nearby roads/ buildings, all open space (public and private) is suitable for its intended use and entrances to the buildings are acceptable. Some parts of the upper floor balconies and roof terraces may be unsuitable for prolonged seating and mitigation measure are proposed. Following the provision of the recommended mitigation measures, these spaces are suitable for intended use. The report concludes with a comment that available information for the development of the Rosemount House site, does not give rise to 'significant adverse impacts on the subject site'.

10.12.8. The submitted details are noted and give rise to no concerns. I note the lack of guidance that is relevant to Ireland/ Dublin and the submitted report has been prepared with regard to suitable available information.

10.12.9. **Rooftop solar panels:** The proposed development includes the provision of photovoltaic panels on the roofs of each of the two blocks. These will not be easily visible from ground level, and therefore there is no issue in relation to visual amenity.

10.12.10. A 'Glint & Glare Analysis' has been undertaken by JVTE and which has regard to the United States Federal Aviation Authority (FAA) guide – 'Technical Guidance for Evaluating Selected Solar Technologies on Airports'. In conclusion no impact from Glint and Glare would arise in relation to the runways in Dublin Airport and the Dublin Airport Air Traffic Control Tower would experience no issues in relation to Glare.

10.12.11. **Substation:** An electricity substation is proposed to the north west corner of the site, adjacent to the surface car parking. This location is accessible to maintenance etc. and does not impact on the visual amenity of the development.

10.12.12. **Rooftop antennae:** The submitted roof plan and elevations indicate the provision of telecommunication antennae on the rooftop of Block 10B. These are located to the northern side of the block and are considered to be acceptable in terms of visual impact. Their location and the height of this block will ensure that they are not easily visible from adjoining lands. The 'Telecommunications Report'

prepared by ISM provides further details on this aspect of the proposed development.

10.12.13. Ecological Impact Assessment (EclA)

10.12.14. The applicant has engaged the services of Biosphere Environmental Services to prepare a Terrestrial Ecology Report for the subject/ proposed development. I have had full regard to the contents of same.

10.12.15. Site surveys were undertaken in September 2021 and June 2022. The site situation is considered, and full details of the proposed development are provided. There are no streams or field drains on site and the Mayne River is located approximately 30 m to the north of the site. The site drains naturally towards the Mayne River. In accordance with the 'Fossitt' category, the site consists of Building & Artificial Surfaces (BL3), Dry Meadows & Grassy Verges (GS2), Recolonising Bare Ground (ED3), Spoil & Bare Ground (ED2), Scrub (WS1), Mixed broadleaved Woodland (WD1) and other artificial lakes and ponds (FL8).

10.12.16. The site is not suitable for scarce or rare plant species, no alien invasive species were recorded, and the site is not suitable as habitats for mammals. The survey recorded few bird species.

10.12.17. The report has identified the following designated sites within the zone of influence as follows:

- Baldoyle Bay SAC (site code 000199) – 3 km to the east
- Baldoyle Bay SPA (site code 004016) – 3 km to the east

The following proposed Natural Heritage Areas are within 5 km of the Northern Cross site:

- Santry Demesne (site code 000178) – 5 km to the south west
- Feltrim Hill (site code 001208) – 4 km to the north
- Sluice River Marsh (site code 001763) – 4 km to the north east

10.12.18. Assessment of Impacts: No impacts to mammals and any loss to habitats is rated as Not Significant. The woodland strip to the north of the site will not be impacted by the development. No impacts to bats is foreseen as the

woodland strip will not be protected and no other part of the site is suitable for bats. Birds are not expected to be impacted either. Water quality will be protected by appropriate measures. The submitted Natura Impact Statement considers the impact on designated European sites, no impact subject to appropriate mitigation measures and it is reported that the development will not impact on the pNHAs.

10.12.19. The proposed development will not have an adverse impact on habitats or wildlife during the operational phase of the development. The landscaped areas will provide for habitats for common mammal and bird species.

10.12.20. Mitigation Measures: No specific mitigation measures are proposed for habitats, mammals, or birds. The treeline to the north will be protected by the existing fencing and landscaping on site will be of benefit to a range of species. No mitigation for nesting birds is required.

10.12.21. Mitigation measures for bats includes site lighting during the construction and operational phases of the development. The lighting report by JV Tierney & Co has full regard to the requirements of lighting in relation to bats and a list of suitable measures are provided. Subject to standard construction measures, the proposed development would not have any residual impacts.

10.12.22. **Conclusion on the EclA:** I note the information and details provided in the Terrestrial Ecology Report and I am satisfied that the submitted information indicates that the proposed development will not impact on any designated or protected ecological sites. The development does not directly impact on any bats, birds, terrestrial mammals, or plant species.

10.13. Material Contravention

10.13.1. The applicant has submitted a 'Material Contravention Statement of the Dublin City Development Plan 2016 – 2022 and the Clongriffin Belmayne (North Fringe) Local Area Plan 2012 – 2018 (as extended to December 2022) (and also the Draft Dublin City Development Plan 2022 – 2028) with the application. The public notices make specific reference to a statement being submitted indicating why permission should be granted having regard to the provisions s.37(2)(b). A total of three (3) issues have been raised in the applicant's Material Contravention statement as follows:

- Unit Mix

- Building Height
- Road Objective

The report outlines the procedure and requirements in relation to Material Contravention.

10.13.2. **Unit Mix:** Section 16.10.1 of the Dublin City Development Plan requires in proposals of 15 units or more, that each development shall contain a maximum 25 - 30% one-bedroom units and a minimum of 15% three or more-bedroom units. The proposed development provides for 48% one beds and 52% two beds. The applicant reports that the proposed mix would not be consistent with the Development Plan as the number of one-bedroom units exceeds 30% and no three-bedroom units are proposed. The applicant refers to SPPR 1 of the Apartment Guidelines which seeks to provide up to 50% one-bedroom units and no limit on three or more-bedroom units.

10.13.3. Further justification is provided in the applicant's report and references National Policy Objectives 11 and 33 which seek to increase the number of residential units within existing urban areas.

10.13.4. The above mentioned SPPR refers to requirements for plans etc. and is not specifically relevant to applications. The applicant reports that there is no requirement for three-bedroom units under SPPR1.

10.13.5. I note the applicant's report, however I do not consider this to be a material contravention of the Dublin City Development Plan. A suitable mix of units is provided of which 48% are one-bedroom units; the number of one-bedroom units is therefore in accordance with the Dublin City Development Plan. No three or more-bedroom units are provided, however, having regard to the character of the area, the provision of two-bedroom units will provide for a housing choice for mid-sized units in an area where three and more bedroom units are available. The National Planning Framework seeks to increase housing choice and to meet the demand for more one- and two-bedroom units. The proposed development will go some way to meeting this demand in this area.

10.13.6. I have considered the issue raised in the applicant's submitted Material Contravention Statement and I do not advise the Board to invoke the provisions of s.37(2)(b) of the 2000 Act (as amended) as I do not consider that the development

contravenes the Dublin City Development Plan 2016 - 2022 in relation to unit mix. I consider that the proposed unit mix is in accordance with the requirements of the Dublin City Development Plan, whilst having regard to relevant national policy that seeks to encourage a greater mix of unit types.

10.13.7. **Building Height:** Under Section 16.7 of the Dublin City Development Plan 2016 - 2022, the subject site is defined as a 'mid rise area' with a prescribed maximum height of up to 50 metres for and which equates to 16 storeys. Section 7.9 of the Local Area Plan, under Objective UD07 identifies the Key District Centres as suitable for heights of a minimum of five storeys and the Main Street Boulevard of similar height. The following is also reported:

'Heights of 2-6 storeys (including a setback at the top floor of a 5/6 storey building) may be facilitated subject to quality design criteria and set back requirements along the river corridor to complete the urban form of pavilion buildings to complete Marrsfield, one location for a landmark profiled building (10-14 storey office height equivalent) is designated adjacent to Clongriffin Rail Station. In other locations, where 4 storeys residential height is proposed, some flexibility will be allowed on the height equivalent(13m) to achieve design improvements to the façade'.

10.13.8. The applicant summarises this as a minimum height of five storeys within the Key District Centres and a landmark building of 10 to 14 storeys adjacent to Clongriffin railway station. The proposed development provides for two apartment blocks with a varied height of 8 to 11 storeys. The maximum height is 40 m and this is below the 50 m permissible within the North Fringe area.

10.13.9. The applicant refers to SPPR 3 (a) of the Building Height Guidelines, 2018 and provides a justification for the development in Table 4.1 of their report. In summary, the development is well served by public transport, the site is accessible, the development will integrate with its surroundings, the development will make a positive contribution to place-making, the blocks have varied heights thereby reducing monotony, the development will enhance the streetscape, the blocks address the Mayne River/ associated landscaping and provide wayfinding within the overall development of Northern Cross. The applicant has also assessed the impact

on existing and proposed amenity of residents and no issues of concern arise. The proposed development is supported with documentation.

10.13.10. The Planning Authority through the CE report note that this proposed development may be considered a material contravention but support the provision of taller buildings in this area.

10.13.11. The status of this location with regard to height is somewhat confused by the designation of this as a midrise area but also the local area plan referring to minimum heights and landmark buildings. As a midrise location, heights of up to 50 m are permissible and the proposed development does not exceed that limit. The proposed development with a maximum of 11 storeys does not exceed the maximum height of the landmark building proposed for Clongriffin railway station, therefore the status of the landmark building is not impacted by the proposed development. I therefore do not consider the proposed development to be a material contravention of the Dublin City Development Plan 2016 – 2022 or the Clongriffin-Belmayne Local Area Plan 2012 as the proposed development is in accordance with these plans.

10.13.12. I have considered the issue raised in the applicant's submitted Material Contravention Statement and I do not advise the Board to invoke the provisions of s.37(2)(b) of the 2000 Act (as amended) as I do not consider that the development contravenes the Dublin City Development Plan 2016 – 2022 and the Clongriffin Belmayne (North Fringe) Local Area Plan 2012 – 2018 in relation to building height. The maximum height of the development is in the form of 11 storeys, or 39 m (41 m to the top of the rooftop equipment) and this is below the maximum height of 50 m as specified for a mid-rise location, which the subject site is located within. The proposed development does not exceed the maximum heights specified in the local area plan but does exceed the specified minimum height and this is appropriate.

10.13.13. **Road Objective:** The City Development Plan and the Local Area Plan indicate a new road to the north of the subject site which forms part of an overall road scheme for the North Fringe area. The 'South Fingal Transport Study' (January 2019) proposes a revised road network for the area and the road alignment in the vicinity of the subject site will be located further to the north and west, than that previously proposed and indicated on the City Development Plan and Local Area Plan maps.

10.13.14. The permitted development of both Site 2 and 5 clearly indicates that the road alignment is to be revised from that previously indicated on the plan maps. I also note that a section of the new road, to serve this area, is included as part of the development of the Belcamp lands to the north of the site. It should be noted that these indicative roads are not necessary to access or to facilitate the development of this site.

10.13.15. I have considered the issue raised in the applicant's submitted Material Contravention Statement and I do not advise the Board to invoke the provisions of s.37(2)(b) of the 2000 Act (as amended) as I do not consider that the development contravenes the Dublin City Development Plan 2016 – 2022 and the Clongriffin Belmayne (North Fringe) Local Area Plan 2012 – 2018 in relation to an indicative road objective. The alignment as indicated in current plans is no longer appropriate for the needs and development of the area, having regard to the 'South Fingal Transport Study, 2019'.

11.0 Appropriate Assessment

11.1. Stage 1 – Appropriate Assessment Screening

11.1.1. The applicant has engaged the services of Biosphere Environmental Services (BES), to carry out an appropriate assessment screening; the report is dated August 2022. I have had regard to the contents of same.

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

The areas addressed are as follows:

- Compliance with Article 6(3) of the EU Habitats Directive
- Screening the need for appropriate assessment
- Appropriate assessment of implications of the proposed development on the integrity of each European site

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

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

11.2.2. The subject site is located to the north of the R139/ to the north western side of the Northern Cross mixed-use development on a site area stated to be 0.76 hectares. The site is currently set out for use as surface car parking and is fenced off using palisade fences. A total of 156 apartment units in the form of 75 one-bedroom and 81 two-bedroom units are proposed within two separate blocks ranging in height from eight to eleven storeys. Access is via an existing internal road serving adjoining sites and which provides a direct connection to the R139. The proposed development provides for open space, parking, services, and all necessary site works. The surrounding area consists of a mix of residential, commercial, and

manufacturing uses. To the north of the site is the Mayne River and which forms the boundary between the Dublin City Council and Fingal County Council areas.

11.2.3. The site is not directly connected with, or necessary to the management of a Natura 2000 sites. The zone of influence of the proposed project would be limited to the outline of the site during the construction phase. The proposed development is therefore subject to the provisions of Article 6(3).

11.2.4. A total of 18 European Sites have been identified as located within the potential zone of influence and these are as follows:

Name	Site Code	Distance from Site
Baldoyle Bay SAC	(000199)	3 km to the east
North Dublin Bay SAC	(000206)	3.2 km to the south east
Howth Head SAC	(000202)	7.0 km to the east/ south east
Rockabill to Dalkey Island SAC	(003000)	7.0 km to the south east
South Dublin Bay SAC	(000210)	7.0 km to the south
Ireland's Eye SAC	(002193)	7.5 km to the east
Malahide Estuary SAC	(000205)	6.0 km to the north
Lambay Island SAC	(000204)	14 km to the north east
Rogerstown Estuary SAC	(000208)	10.5 km to the north
Baldoyle Bay SPA	(004016)	3.0 km to the east
North Bull Island SPA	(004006)	3.2 km to the south east
Ireland's Eye SPA	(004117)	7.5 km to the east
Howth Head Coast SPA	(004113)	7.0 km to the east/ south east
South Dublin Bay and River Tolka Estuary SPA	(004024)	7.0 km to the south
Broadmeadow/Swords Estuary (Malahide Estuary) SPA	(004025)	6.0 km to the north

Rogerstown Estuary SPA	(004015)	10.5 km to the north
Lambay Island SPA	(004069)	14.0 km to the north east
Dalkey Islands SPA	(004172)	15.0 km to the south

11.2.5. **Connectivity-Source-Pathway-Receptor:** The submitted AA Screening Report makes full consideration of the Connectivity-Source-Pathway-Receptor model for each of the identified sites. The following are provided in summary:

- Direct impacts on habitats and/or species during construction and operational phases: The site is 3 km from the nearest European sites and therefore there is no impact due to the proposed development. The site does not provide habitat for any of the bird species associated with the designated sites/ SPAs.
- Potential Impacts by water discharges during construction and operational phases: The applicant has identified potential for water pollution from the construction site entering local drains and the Mayne River and which may include suspended solids from soil excavation, run-off from cement, and hydrocarbon leaks in several forms. There is potential for uncontrolled run-off during the construction phase especially during wet periods from the Mayne River to Baldoyle Bay. Contaminated surface water may seep from the site to the Mayne River and on to Baldoyle Bay. There is a requirement for mitigation measures to ensure that such contaminants do not enter the Mayne River. The applicant considers that in the absence of suitable mitigation measures, the conservation objectives of the qualifying interests/ Special Conservation Interests for the Baldoyle Bay European sites (as detailed in Table 2 and Appendix 2 of their report) could be affected. In the absence of appropriate mitigation measures, the risk of harmful effects to designated sites cannot be ruled out and information is provided that allows for the carrying out of a Stage 2 Appropriate Assessment.

Other sites outside of Baldoyle Bay, would not be impacted by the proposed development due to distance and the lack of suitable source-pathway-receptor hydrological linkages. The site does not have the potential to support ex-situ species associated with the identified Natura 2000 sites due to it being currently disturbed land.

11.2.6. The applicant provides a list of the 18 European sites including their Qualifying interests and Source-Pathway-Receptor link in Table 2 of their report and these are mapped in Figure 2. I have listed the Qualifying Interests of Baldoyle Bay SAC and SPA below:

Name	Site Code	Distance from Site
Baldoyle Bay SAC Qualifying Interests: <ul style="list-style-type: none"> • Mudflats and sandflats not covered by seawater at low tide [1140] • Salicornia and other annuals colonising mud and sand [1310] • Atlantic salt meadows [1330] • Mediterranean salt meadows [1410] 	(000199)	3 km to the east
Baldoyle Bay SPA Qualifying Interests: <ul style="list-style-type: none"> • Ringed Plover • Shelduck • Golden Plover • Bar-tailed Godwit • Grey Plover • Light-bellied Brent Goose • Wetlands 	(004016)	3 km to the east

11.2.7. Having reviewed the documents and submissions, I am satisfied that the information allows for a complete examination and identification of any potential

significant effects of the development, alone, or in combination with other plans and projects on European sites.

11.3. Stage 1 Screening - Test of Likely Significant Effects

11.3.1. I have examined the proposed development in relation to any possible interaction with European sites, the relevant sites have been detailed in the previous sections of this report to assess whether it may give rise to significant effects on any designated European Site. The project is not directly connected with or necessary to the management of a European Site and therefore it needs to be determined if the development is likely to have significant effects on a European site(s).

11.3.2. A description of the site is provided in this Appropriate Assessment Screening Report; I have already outlined the development description under Section 3.0 of this report. In summary the development is for 156 residential units in the form of apartments contained within two apartment blocks of between 8 and 11 storeys in height, and all necessary infrastructure. The site is located to the north west of the Northern Cross mixed use development and the stated sites area is 0.76 hectares. An EIAR has been submitted in support of the application.

11.3.3. **Submissions and Observations:** No Third-Party submissions were made, the Local Authority (Chief Executive report and internal departments) submissions are summarised in Section 8.0 and Prescribed Bodies are summarised in Section 9.0 of this report.

11.3.4. **Zone of Influence:** A summary of European sites that are located proximate to the proposed development, including their conservation objectives and Qualifying Interests has been examined by the applicant. A precautionary approach in the submitted Screening Report of including all SACs within 15 km of the development site was taken to be the zone of influence of the development site, which are listed are section 11.2.4 of this report

11.3.5. In determining the Natura 2000 sites to be considered, I have had regard to the nature and scale of the development, the distance from the site to the designated Natura 2000 sites, and any potential pathways which may exist from the development site to a Natura 2000 site. The site is not directly connected with, or necessary to the management of a Natura 2000 sites. The impact area of the construction phase would be limited to the outline of the site.

11.3.6. In terms of the zone of influence, I would note that the site is not within or immediately adjacent to a European site and therefore there will be no loss or alteration of habitat, or habitat/species fragmentation as a result of the proposed development. The nearest European sites are Baldoyle Bay SAC and SPA and which are 3 km to the east of the subject site.

11.3.7. There are no watercourses on the site but the Mayne River, which flows into Baldoyle Bay, is located 30 m to the north of the site. The subject site naturally drains towards the Mayne River. The applicant has identified potential for contaminants from the site during the construction phase of the development, entering the Mayne River and in turn they could impact on Baldoyle Bay.

11.4. Screening Determination

11.4.1. I have considered the proposed development in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. Having carried out a Screening for Appropriate Assessment of the project, it has been concluded that the project individually (or in combination with other plans or projects) could have a significant effect on Baldoyle Bay SAC (site code 000199) and Baldoyle Bay SPA (site code 004016), in view of these sites' Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is therefore required.

11.4.2. I confirm that the Baldoyle Bay SAC and SPA, which are screened in for appropriate assessment, are included in the NIS prepared by the project proponent.

11.4.3. I can exclude the possibility of significant effects on other European sites on the basis of the nature and scale of the works proposed, scale of intervening distances involved, lack of a direct hydrological link, dilution effect, and lack of substantive ecological linkages between the proposed works and the designated European sites in question.

11.4.4. In reaching the conclusion of the screening assessment, I have taken no account of measures intended to avoid or reduce the potentially harmful effects of the project on any European Site.

11.5. Natura Impact Statement (NIS)

11.5.1. I am satisfied that the submitted NIS is in accordance with current guidance/ legislation/ best practice and the information included within the report in relation to baseline conditions and potential impacts are clearly set out and supported with sound scientific information and knowledge. The NIS examines and assesses the potential adverse effects of the proposed development on Baldoyle Bay SAC (site code 000199) and Baldoyle Bay SPA (site code 004016). As noted in the AA Screening, all other European designated sites can be excluded from the need for further assessment.

11.5.2. The NIS identifies and assesses possible adverse effects of the proposed development on specific QIs and SCIs of Baldoyle Bay SAC (site code 000199) and Baldoyle Bay SPA (site code 004016). Details of mitigation measures, how, and when they will be implemented, are provided in Section 3.1 for Measure during construction phase and section 3.2 for Measures during operation phase, of the NIS. In-combination effects are analysed in Section 3.3.

11.5.3. The NIS Conclusion states the following:

'In conclusion, in the light of the conclusions of the assessment which it shall conduct on the implications for the European sites concerned, the Board is enabled to ascertain that the proposed development will not adversely affect the integrity of any of the European sites concerned Appropriate Assessment of implications of the proposed development'.

11.6. NIS Assessment:

11.6.1. I have relied on the following guidance: Appropriate Assessment of Plans and Projects in Ireland: Guidance for Planning Authorities, DoEHLG (2009); Assessment of plans and projects significantly affecting Natura 2000 sites. Methodological guidance on the provisions of Article 6(3) and 6(4) of the Habitats Directive 92/43/EC, EC (2002); Managing Natura 2000 sites, The provisions of Article 6 of the Habitats Directive 92/43/EEC, EC (2018).

11.6.2. The following sites are subject to appropriate assessment:

- Baldoyle Bay SAC (site code 000199)
- Baldoyle Bay SPA (site code 004016)

A description of the sites and their Conservation Objectives and Qualifying Interests are set out in the submitted NIS and has already been outlined in this report as part of my assessment. I have also examined the Natura 2000 data forms as relevant and the Conservation Objectives supporting documents for these sites available through the NPWS website (www.npws.ie).

11.6.3. Aspects of the Development that could adversely affect the designated site: The main aspect of the development that could impact the conservation objectives of the European sites are through deterioration of water quality and dust during the construction phase of the development.

11.6.4. Mitigation: A range of mitigation measures are provided in Sections 3.1 and 3.2 of the submitted AA Screening/ NIS and the following measures/ procedures are noted.

Construction Phase: Will be guided by a Construction and Environmental Management Plan (CEMP) and contractors will be informed of the need to ensure that measures are taken having regard to the proximity to the Mayne River. The following mitigation measures will be taken:

- The Mayne River will require protection from sedimentation and erosion due to direct surface water run-off generated on site. Surface water discharge will be controlled.
- Measures will be taken to prevent surface water flow off-site and include the channelling of excess surface water to constructed storage and settlement facilities on site which are to be fitted with sediment filtration. Stored water will be discharged to the foul drainage system under a temporary trade effluent discharge licence.
- The control of run-off leaving the site will be put in place especially during periods of heavy rain fall/ during times when bulk soil is been excavated.
- Suitable oil/ diesel/ fuel storage will be put in place, and which will include the provision of suitable bunding (concrete slab of 150 mm and 225 solid brickwork that is rendered). Measures to be taken to address any spillage on site.
- Washout of concrete trucks will not be permitted on site and will only take place at the ready-mix concrete depot.

- Wastewater will be disposed in accordance with the local authority/ Irish Water requirements.
- The surrounding areas will be swept and cleaned by the contractor.

Operational Phase:

11.6.5. Full details of the surface water drainage system have been provided by the applicant in the report by Barrett Mahony Consulting Engineers and dated June 2022. The surface water drainage system will be in accordance with SuDS and run-off rates will be appropriate to the site. Interception details are provided in the NIS. Other measures that are proposed are the use of green roofs and blue roofs in addition to permeable paving. The permeable paving will be utilised for the proposed parking bays and some of the walkways on the podium. Surface Water:

- Surface water will be pass through at least two treatment stages before discharge to the Mayne River.
- Discharge is via an existing discharge point located to the east of the site.

Foul Water:

- The site is served an existing 1,050 mm diameter foul drainage system which is located to the west of the site.
- A new connection will be made to the existing system to serve the proposed development.
- Irish Water have provided a Confirmation of Feasibility.

11.6.6. The applicant considers that the proposed foul drainage system will ensure that there is no risk of pollutants from the development reaching the designated European sites in Baldoyle Bay.

11.6.7. Overall, I consider that the proposed mitigation measures are clearly described, and precise, and definitive conclusions can be reached in terms of avoidance of adverse effects on the integrity of designated European sites based on the outlined mitigation measures. I consider that the mitigation measures are necessary having regard to the proximity of the site to the Mayne River and in turn its relative proximity to Baldoyle Bay, which is only 3 km from the subject site. Overall, I consider that the proposed measures are effective, reflecting current best practice,

and can be secured over the short and medium term and the method of implementation will be through a detailed management plan.

In Combination Effects:

11.6.8. Consideration has been made of developments in the area and these include Site/ Block 2 to the east of the site, and which is substantially complete and Block 5 which is further east adjacent to the Malahide Road. A large development is under construction to the north of the site on the Belcamp Lands – PA Ref. F15A/0609 and ABP Ref.: PL 06F.248052 refers. Two significant SHD applications for residential development, providing a total of 1530 units, at Clongriffin (ABP Ref 305316 and 305319), located approximately 2km east of the Northern Cross site, were granted permission in December 2019. The Appropriate Assessment did not give rise to any concern.

11.6.9. In June 2018, Irish Water made a planning application to An Bord Pleanála for the Greater Dublin Drainage (GDD) project. The submitted application included a detailed Natura Impact Statement (NIS). Mitigation measures were included in the project NIS and the proposed development was granted permission by An Bord Pleanála in November 2019.

Appropriate Assessment Conclusion:

11.6.10. The proposed residential development at Site 10, Mayne River Avenue, Northern Cross, Malahide Road, Dublin 17 has been considered in light of the assessment requirements of Sections 177U and 177V of the Planning and Development Act 2000 as amended.

11.6.11. Having carried out screening for Appropriate Assessment of the project, it was concluded that it may have a significant effect on Baldoyle Bay SAC (site code 000199) and Baldoyle Bay SPA (site code 004016). Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying features of those sites in light of their conservation objectives.

11.6.12. Following an Appropriate Assessment, it has been ascertained that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of Baldoyle Bay SAC (site code 000199) and Baldoyle Bay SPA (site code 004016) in view of the sites' Conservation Objectives.

11.6.13. This conclusion is based on:

- A full and detailed assessment of all aspects of the proposed project including proposed mitigation measures and monitoring in relation to the Conservation Objectives of Baldoyle Bay SAC (site code 000199) and Baldoyle Bay SPA (site code 004016).
- Detailed assessment of in combination effects with other plans and projects including historical projects, plans and current proposals.
- No reasonable scientific doubt as to the absence of adverse effects on the integrity of Baldoyle Bay SAC (site code 000199) and Baldoyle Bay SPA (site code 004016).

11.6.14. I have had full consideration of the information, assessment and conclusions contained within the NIS. I have also had full regard to National Guidance and the information available on the National Parks and Wildlife Service (NPWS) website in relation to the identified designated Natura 2000 sites. I consider it reasonable to conclude that on the basis of the information submitted in the NIS report, including the recommended mitigation measures, and submitted in support of this application, that the proposed development, individually or in combination with other plans or projects would not be likely to adversely affect the integrity of Baldoyle Bay SAC (site code 000199) and Baldoyle Bay SPA (site code 004016).

12.0 Environmental Impact Assessment Screening

12.1. This application was submitted to the Board after the 1st of September 2018 and therefore after the commencement of the European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018 which transpose the requirements of Directive 2014/52/EU into Irish planning law.

12.2. The applicant has addressed the issue of Environmental Impact Assessment (EIA) within the submitted EIA Screening Report (Prepared by Enviroguide Consulting – Dated June 2022) and I have had regard to same. The report considers that the development is below the thresholds for mandatory EIAR having regard to Schedule 5 of the Planning and Development Regulations 2001, due to the site size, number of residential units (208) and the fact that the proposal is unlikely to give rise to significant environment effects, a formal EIAR is not required. In addition, detailed and comprehensive assessments have been undertaken to

assess/ address all potential planning and environmental issues relating to the development.

12.3. Item 10(b) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001 as amended, and section 172(1)(a) of the Planning and Development Act 2000 as amended provides that an EIA is required for infrastructure developments comprising of urban development which would exceed:

- 500 dwellings
- Construction of a car-park providing more than 400 spaces, other than a car-park provided as part of, and incidental to the primary purpose of, a development.
- Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere. A business district is defined as ‘a district within a city or town in which the predominant land use is retail or commercial use’.

12.4. Item (15)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 as amended provides that an EIA is required for: “Any project listed in this part which does not exceed a quantity, area or other limit specified in this Part in respect of the relevant class of development but which would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7.”

12.5. Class 14 relates to works of demolition carried out in order to facilitate a project listed in Part 1 or Part 2 of this Schedule where such works would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7.

12.6. The proposed development is for a residential scheme of 156 apartments in two blocks, and which is not within a business district, on a stated development site area of 0.76 hectares, located to the north western side of Northern Cross, Dublin 17. It is sub-threshold in terms of EIA having regard to Schedule 5, Part 2, 10(b) (i) and (iv) of the Planning and Development Regulations 2001 as amended, in that it is less than 500 units and is below the 10 hectares (that would be the applicable threshold for this site, being outside a business district but within an urban area).

Northern Cross is a mixed-use scheme but the predominant prevailing form of development in this area is residential use.

12.7. Environmental Impact Assessment is required for development proposals of a class specified in Part 1 or 2 of Schedule 5 that are sub-threshold where the Board determines that the proposed development is likely to have a significant effect on the environment. For all sub-threshold developments listed in Schedule 5 Part 2, where no EIAR is submitted or EIA determination requested, a screening determination is required to be undertaken by the competent authority unless, on preliminary examination it can be concluded that there is no real likelihood of significant effects on the environment.

12.8. The applicant submitted an EIA Screening Statement with the application, and this document provides the information deemed necessary for the purposes of screening sub-threshold development for an Environmental Impact Assessment.

12.9. The various reports submitted with the application address a variety of environmental issues and assess the impact of the proposed development, in addition to cumulative impacts with regard to other permitted developments in proximity to the site, and demonstrate that, subject to the various construction and design related mitigation measures recommended, the proposed development will not have a significant impact on the environment. I have had regard to the characteristics of the site, location of the proposed development, and types and characteristics of potential impacts. I have examined the sub criteria having regard to the Schedule 7A information and all other submissions, and I have considered all information which accompanied the application including inter alia:

- Planning Report & Statement of Consistency with Planning Policy – John Spain Associates
- Northern Cross Masterplan Report – John Spain Associates
- Social & Community Infrastructure Audit – John Spain Associates
- Architectural Design Statement – JSA Architects
- Building Lifecycle Report – JSA Architects
- Infrastructure Report - Barrett Mahony Consulting Engineers
- Traffic Impact Assessment – Barrett Mahony Consulting Engineers
- DMURS Compliance Statement – Barrett Mahony Consulting Engineers

- Site Specific Flood Risk Assessment – Barrett Mahony Consulting Engineers
- Outline Construction and Demolition Waste Management Plan – Barrett Mahony Consulting Engineers
- Public Transport Capacity Study – Transport Insights
- Arboricultural Inventory and Impact Assessment – Murray & Associates
- Energy Strategy and BER Report – J.V. Tierney & Co.
- External Lighting Strategy – J.V. Tierney & Co.
- Screening Report for Appropriate Assessment and Natura Impact Statement - Biosphere Environmental Services
- Environmental Impact Assessment Screening Report - Enviroguide Consulting
- Archaeological Assessment – IAC Archaeology
- CGI and Photomontage Brochure – Digital Dimensions
- Daylight & Sunlight Assessments – Digital Dimensions
- Terrestrial Ecology Report - Biosphere Environmental Services
- Microclimate Impact Assessment Report – TMS Environmental Ltd.
- Noise & Vibration Impact Assessment Report – Redkite Environmental

12.10. In addition, noting the requirements of Section 299B (1)(b)(ii)(II)(C), whereby the applicant is required to provide to the Board a statement indicating how the available results of other relevant assessments of the effects on the environment carried out pursuant to European Union legislation other than the Environmental Impact Assessment Directive have been taken into account and are listed in the 'Statement in accordance with Article 299B(1)(b)(II)(c) of the Planning and Development Regulations 2001, as amended'. The documents are summarised as follows (only those relevant are listed here):

Document:	Comment:	Relevant Directives:
Appropriate Assessment Screening prepared by BioSphere Environmental Services		Directive 92/43/EEC, The Habitats Directive

Terrestrial Ecology Report prepared by BioSphere Environmental Services		Directive 92/43/EEC, The Habitats Directive
Arboricultural Assessment prepared by Murray & Associates		Directive 92/43/EEC, The Habitats Directive
Landscape and Visual Impact Assessment prepared by Murray & Associates		Directive 92/43/EEC, The Habitats Directive
Arboricultural Assessment prepared by Murray & Associates		Directive 2000/60/EC. EU Water Framework Directive
Infrastructure Report by Barrett Mahony Civil & Structural Consulting Engineers		Directive 2000/60/EC. EU Water Framework Directive
Construction & Environmental Management Plan (CEMP) by Barrett Mahony Civil & Structural Consulting Engineers		Directive 2000/60/EC. EU Water Framework Directive
Site Specific Flood Risk Assessment Report by Barrett Mahony Civil & Structural Consulting Engineers		Directive 2000/60/EC. EU Water Framework Directive
Construction & Environmental Management Plan		Directive 2002/49/EC. Environmental Noise Directive

(CEMP) by Barrett Mahony Civil & Structural Consulting Engineers		
Noise and Vibration Impact Assessment by Redkite Environmental Ltd.		Directive 2002/49/EC. Environmental Noise Directive
Construction & Environmental Management Plan (CEMP) by Barrett Mahony Civil & Structural Consulting Engineers		Directive 2008/50/EC on ambient air quality and cleaner air for Europe
Traffic Impact Assessment by Barrett Mahony Civil & Structural Consulting Engineers		Directive 2008/50/EC on ambient air quality and cleaner air for Europe
Site Specific Flood Risk Assessment Report by Barrett Mahony Civil & Structural Consulting Engineers		Directive 2007/60/EC on the assessment and management of flood risks
Construction & Environmental Management Plan (CEMP) by Barrett Mahony Civil & Structural Consulting Engineers		Directive 2007/60/EC on the assessment and management of flood risks
Terrestrial Ecology Report prepared by BioSphere Environmental Services	No adverse impacts are foreseen due to the site not hosting significant numbers of species	Bern and Bonn Convention

	designated under this convention.	
Terrestrial Ecology Report prepared by BioSphere Environmental Services	No adverse impacts are foreseen due to the site not hosting significant numbers of species designated under this convention.	Ramsar Convention
Construction & Environmental Management Plan (CEMP) by Barrett Mahony Civil & Structural Consulting Engineers		Directive (EU) 2018/850 on the landfill of waste
Construction & Demolition Waste Management Plan (CDWMP) by Barrett Mahony Civil & Structural Consulting Engineers		Directive (EU) 2018/850 on the landfill of waste Directive (EU) 2018/850 on the landfill of waste
Operational Waste Management Plan by Kevin Carron Property Consultants Ltd		Directive (EU) 2018/850 on the landfill of waste
Construction & Environmental Management Plan (CEMP) by Barrett Mahony Civil & Structural Consulting Engineers		Directive 2008/98/EC on waste and repealing certain Directives

Construction & Demolition Waste Management Plan (CDWMP) by Barrett Mahony Civil & Structural Consulting Engineers		Directive 2008/98/EC on waste and repealing certain Directives
Operational Waste Management Plan by Kevin Carron Property Consultants Ltd		Directive 2008/98/EC on waste and repealing certain Directives
Construction & Environmental Management Plan (CEMP) by Barrett Mahony Civil & Structural Consulting Engineers		Directive 2000/14/EC on noise emission in the environment by equipment for use outdoors
Noise and Vibration Impact Assessment by Redkite Environmental Ltd.		Directive 2000/14/EC on noise emission in the environment by equipment for use outdoors
Energy Strategy and BER Report by JV Tierney & Co.		Directive 2012/27/EU on energy efficiency
Daylight and Sunlight Assessment by Digital Dimensions		Directive 2012/27/EU on energy efficiency
Energy Strategy and BER Report by JV Tierney & Co.		Regulation (EU) 2018/842 on binding annual greenhouse gas emission reductions by Member States from

		2021 to 2030 contributing to climate action to meet commitments under the Paris Agreement and amending Regulation (EU) No 525/2013
Daylight and Sunlight Assessment by Digital Dimensions		Regulation (EU) 2018/842 on binding annual greenhouse gas emission reductions by Member States from 2021 to 2030 contributing to climate action to meet commitments under the Paris Agreement and amending Regulation (EU) No 525/2013
Energy Strategy and BER Report by JV Tierney & Co.		Directive (EU) 2018/2001 on the promotion of the use of energy from renewable sources
Daylight and Sunlight Assessment by Digital Dimensions		Directive (EU) 2018/2001 on the promotion of the use of energy from renewable sources

12.11. The EIA screening report prepared by the applicant has under the relevant themed headings considered the implications and interactions between these assessments and the proposed development, and as outlined in the report states that the development would not be likely to have significant effects on the environment. I am satisfied that all other relevant assessments have been identified for the purposes of screening out EIAR.

12.12. I have completed an EIA screening assessment as set out in Appendix A of this report.

12.13. I consider that the location of the proposed development and the environmental sensitivity of the geographical area would not justify a conclusion that it would be likely to have significant effects on the environment. The proposed development does not have the potential to have effects the impact of which would be rendered significant by its extent, magnitude, complexity, probability, duration, frequency or reversibility. In these circumstances, the application of the criteria in Schedule 7 to the proposed sub-threshold development demonstrates that it would not be likely to have significant effects on the environment, at construction and operational stages of the development, and that an environmental impact assessment is not required before a grant of permission is considered. This conclusion is consistent with the EIA Screening Statement submitted with the application.

12.14. I am overall satisfied that the information required under Section 299B(1)(b)(ii)(II) of the Planning and Development Regulations 2001 (as amended) have been submitted.

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

13.0 Recommendation

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

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

In conclusion, I consider the principle of development as proposed to be acceptable on this site. The site is suitably zoned for residential development, is a serviced site,

where public transport, social, educational and commercial services are available. The proposed development is of a suitably high quality and provides for a mix of one- and two-bedroom apartments which are served by high quality communal open space.

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

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

14.0 Reasons and Considerations

Having regard to

- (i) the provisions of the Dublin City Development Plan 2016 - 2022, including the zoning objective Z14, which aims to ‘seek the social, economic and physical development and/or rejuvenation of an area with mixed use, of which residential and “Z6” would be the predominant uses’,
- (ii) the policies set out in the Dublin City Development Plan 2016, including the location of the site within the North Fringe Key District Centre,
- (iii) the nature, scale and design of the proposed development which is consistent with the provisions of the Dublin City Development Plan 2016 - 2022 and appendices contained therein,
- (iv) the policies and objectives set out in the Clongriffin-Belmayne Local Area Plan 2012 – 2022,
- (v) to Housing for All issued by the Department of Housing, Local Government and Heritage, 2021, and Rebuilding Ireland Action Plan for Housing and Homelessness 2016,

(vi) the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, and the accompanying Urban Design Manual – A Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009,

(vii) the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, issued by the Department of the Housing and Planning and Local Government, December 2020,

(viii) the Climate Action Plan, 2021,

(ix) the availability in the area of a wide range of social and transport infrastructure,

(x) to the pattern of existing and permitted development in the area, and

(xi) Chief Executive's Report and supporting technical reports of Dublin City Council,

(xii) the comments made at the North Central Committee meeting,

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

15.0 Recommended Draft Order

Application: for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Bord Pleanála on the 18th of August 2022 by Camgill Property a Trí Limited.

Proposed Development:

- The provision of 156 no. apartment units comprising 75 one-bed units and 81 no. two-bed units within two blocks. 94 no. car parking spaces are provided throughout the site and parking for 322 bicycles is also provided throughout the site.

- Vehicular access is via the existing private roadway onto Mayne River Avenue. Communal and public open space is provided throughout the site.
- The application contains a statement setting out how the proposal will be consistent with the objectives of the Dublin City Development Plan 2016 - 2022. It is submitted that the proposed apartments have been designed to fully accord with the Sustainable Urban Housing: Design Standards for New Apartments 2018 (these are superseded by the 2020 Guidelines). A full Housing Quality Assessment is submitted which provides details on compliance with all relevant standards including private open space, room sizes, storage and residential amenity areas.
- The proposed development is accompanied with a Material Contravention Statement which sets out justification for the proposed development.

Decision:

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

Matters Considered:

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

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

(i) the provisions of the Dublin City Development Plan 2016 - 2022, including the zoning objective Z14, which aims to ‘seek the social, economic and physical development and/or rejuvenation of an area with mixed use, of which residential and “Z6” would be the predominant uses’

(ii) the policies set out in the Dublin City Development Plan 2016, including the location of the site within the North Fringe Key District Centre,

(iii) the nature, scale and design of the proposed development which is consistent with the provisions of the Dublin City Development Plan 2016 - 2022 and appendices contained therein,

(iv) the policies and objectives set out in the Clongriffin-Belmayne Local Area Plan 2012 – 2022,

(v) to Housing for All issued by the Department of Housing, Local Government and Heritage, 2021, and Rebuilding Ireland Action Plan for Housing and Homelessness 2016,

(vi) the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, and the accompanying Urban Design Manual – A Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009,

(vii) the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, issued by the Department of the Housing and Planning and Local Government, December 2020,

(viii) the Climate Action Plan, 2021,

(ix) the availability in the area of a wide range of social and transport infrastructure,

(x) to the pattern of existing and permitted development in the area, and

(xi) Chief Executive's Report and supporting technical reports of Dublin City Council,

(xii) the comments made at the North Central Committee meeting,

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

(xii) the Inspectors report

15.2. Appropriate Assessment (AA):

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

In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a significant effect on any European site in view of the conservation objectives of such sites, other than Baldoyle Bay SAC (site code 000199) and Baldoyle Bay SPA (site code 004016) which there are a likelihood of significant effects in the absence of necessary mitigation measures. There was therefore a requirement to carry out a Stage 2 Appropriate Assessment.

15.3. Appropriate Assessment Stage 2

The Board considered the Natura Impact Statement and all other relevant submissions including expert submissions received and carried out an appropriate assessment of the implications of the proposed development on Baldoyle Bay SAC (site code 000199) and Baldoyle Bay SPA (site code 004016) in view of the above sites' Conservation Objectives. The Board considered that the information before it was sufficient to undertake a complete assessment of all aspects of the proposed development in relation to the site's Conservation Objectives using the best available scientific knowledge in the field.

In completing the assessment, the Board considered, in particular, the following:

- (a) the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- (b) the mitigation measures which are included as part of the current proposal, and
- (c) the conservation objectives for the European sites.

In completing the Appropriate Assessment, the Board accepted and adopted the Appropriate Assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the aforementioned European Sites, having regard to the site's conservation objectives.

In overall conclusion, the Board was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of European Sites in view of the sites' conservation objectives. This conclusion is based on a complete assessment of all aspects of the proposed project and there is no reasonable scientific doubt as to the absence of adverse effects.

Environmental Impact Assessment (EIA):

The Board completed an environmental impact assessment screening of the proposed development and considered that the Environmental Impact Assessment Screening Report submitted by the applicant, which contains the information set out Schedule 7A to the Planning and Development Regulations 2001 (as amended), identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment.

15.3.1. Having regard to:

- The nature and scale of the proposed development, which is below the threshold in respect of Class 10(b)(iv) and Class 13 of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
- Class 14 of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
- The location of the site on lands governed by zoning objective Z14, 'seek the social, economic and physical development and/or rejuvenation of an area with mixed use, of which residential and "Z6" would be the predominant uses', in the Dublin City Development Plan 2016-2022, and the results of the strategic environmental assessment of the Dublin City Development Plan undertaken in accordance with the SEA Directive (2001/42/EC),
- The existing use on the site and pattern of development in surrounding area,
- The planning history relating to the site,

- The availability of mains water and wastewater services to serve the proposed development,
- The location of the development outside of any sensitive location specified in article 299(C)(1)(v) of the Planning and Development Regulations 2001 (as amended),
- The guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage and Local Government (2003),
- The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended), and
- The features and measures proposed by applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the Construction and Demolition Management Plan.

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

Conclusions on Proper Planning and Sustainable Development:

15.3.2. The Board considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable residential density at this location, would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be acceptable in terms of urban design, height, and quantum of development, as well as in terms of traffic and pedestrian safety and convenience. The proposal would, subject to conditions, provide an acceptable form of residential amenity for future occupants.

15.3.3. The Board considered that the proposed development is, compliant with the current Dublin City Council Development Plan 2016 – 2022, and the Clongriffin-Belmayne Local Area Plan 2012 – 2018 as extended, and the proposed development would therefore be in accordance with the proper planning and sustainable development of the area.

16.0 Conditions

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

Reason: In the interest of clarity.

2. The number of residential units permitted by this grant of permission is 156 no. units in the form of 75 no. one bedroom units and 81 no. two bedroom units.

Reason: In the interests of clarity.

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

Reason: In the interest of visual amenity.

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

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

5. Proposals for a development name and numbering scheme and associated signage shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. Thereafter, all such names and numbering shall be provided in accordance with the agreed scheme.

Reason: In the interest of urban legibility.

6. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through the communal open spaces, details of which shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development/installation of lighting. Such lighting shall be provided prior to the making available for occupation of any apartment unit.

Reason: In the interests of amenity and public safety.

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

Reason: In the interests of visual and residential amenity.

8. The road network serving the proposed development, including turning bays, junction with the public road, parking areas, footpaths and kerbs, access road to service areas and the basement car park shall be in accordance with the detailed construction standards of the Planning Authority for such works. In default of

agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

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

9. (a) The car parking facilities hereby permitted shall be reserved solely to serve the proposed development. All car parking spaces shall be assigned permanently for the residential development and shall be reserved solely for that purpose. These residential spaces shall not be utilised for any other purpose.
- (b) Four of the car parking spaces shall be reserved solely for the use by a car sharing club. The developer shall notify the Planning Authority of any change in the status of this car sharing club.
- (c) Prior to the occupation of the development, a Parking Management Plan shall be prepared for the development and shall be submitted to and agreed in writing with the Planning Authority.

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

10. A minimum of 10% of all car parking spaces should be provided with functioning EV charging stations/ points, and ducting shall be provided for all remaining car parking spaces, facilitating the installation of EV charging points/stations at a later date. Where proposals relating to the installation of EV ducting and charging stations/points has not been submitted with the application, in accordance with the above noted requirements, such proposals shall be submitted and agreed in writing with the Planning Authority prior to the occupation of the development. All of the car parking spaces for sole use of the car sharing club shall also be provided with functioning EV charging stations/ points.

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

11. A total of 322 no. bicycle parking spaces shall be provided within the site. The development shall also provide for clearly delineated space for cargo bicycle and motorcycles. Details of the layout, marking demarcation and security provisions for these spaces shall be as submitted to An Bord Pleanála with this application, unless otherwise agreed in writing with, the planning authority prior to commencement of development.

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

12. Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the Planning Authority for such works and services.

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

13. The developer shall enter into water and waste water connection agreement(s) with Irish Water, prior to commencement of development.

Reason: In the interest of public health.

14. The site shall be landscaped (and earthworks carried out) in accordance with the detailed comprehensive scheme of landscaping, which accompanied the application submitted, unless otherwise agreed in writing with, the Planning Authority prior to commencement of development.

Reason: In the interest of residential and visual amenity.

15.(a) The communal open spaces, including hard and soft landscaping, car parking areas and access ways, communal refuse/bin storage, and all areas not intended to be taken in charge by the local authority, shall be maintained by a legally constituted management company

(b) Details of the management company contract, and drawings/particulars describing the parts of the development for which the company would have responsibility, shall be submitted to, and agreed in writing with, the planning authority before any of the residential units are made available for occupation.

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

16.(a) A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities for each apartment unit shall be submitted to, and agreed in writing with, the Planning Authority not later than 6 months from the date of commencement of the development. Thereafter, the waste shall be managed in accordance with the agreed plan.

(b) This plan shall provide for screened communal bin stores, the locations and designs of which shall be included in the details to be submitted.

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

17. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of

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

Reason: In the interest of sustainable waste management.

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

- a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
- b) Location of areas for construction site offices and staff facilities;
- c) Details of site security fencing and hoardings;
- d) Details of on-site car parking facilities for site workers during the course of construction;
- e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
- f) Measures to obviate queuing of construction traffic on the adjoining road network;
- g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;

- h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
- i) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- j) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- k) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- l) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.
- m) A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the Planning Authority.

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

19. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Saturdays inclusive, and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the Planning Authority.

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

20. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the Planning Authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption

certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the Planning Authority or any other prospective party to the agreement to An Bord Pleanála for determination.

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

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

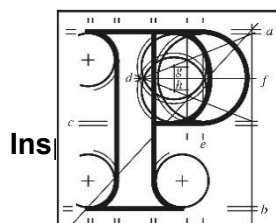
Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

22. The developer shall pay to the Planning Authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development

or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

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

Paul O'Brien
Planning Inspector
24th November 2022



EIA - Screening Determination for Strategic Housing Development Applications

A. CASE DETAILS		
An Bord Pleanála Case Reference		ABP-314386-22
Development Summary		The development of 156 apartment units in the form of 75 one-bedroom units and 81 two-bedroom units in two blocks, and all associated car parking, open space and necessary infrastructure.
	Yes / No / N/A	
1. Has an AA screening report or NIS been submitted?	Yes	An EIA Screening Report and a Natura Impact Statement were submitted with the application
2. Is a IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?	No	
3. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA	Yes	SEA undertaken in respect of the Dublin City Development Plan 2016 - 2022 and the results of the Strategic Environmental Assessment of the plan. See also Section 12.10 of the Inspectors Report for details of other relevant assessments.

B. EXAMINATION	Yes/ No/ Uncertain	Briefly describe the nature and extent and Mitigation Measures (where relevant) (having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact) Mitigation measures – Where relevant specify features or measures proposed by the applicant to avoid or prevent a significant effect.	Is this likely to result in significant effects on the environment ? Yes/ No/ Uncertain
1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)			
<p>1.1 Is the project significantly different in character or scale to the existing surrounding or environment?</p>	<p>Yes</p>	<p>The development comprises the construction of residential units on zoned lands. Two blocks which vary from eight to eleven storeys are proposed in an area</p>	<p>No</p>

		predominantly characterised by similar development.	
1.2 Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?	Yes	The proposed development is located on a brownfield/ infill site within the Dublin City area.	No.
1.3 Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?	Yes	Construction materials will be typical of such an urban development. The loss of natural resources or local biodiversity as a result of the development of the site are not regarded as significant in nature.	No.
1.4 Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?	Yes	Construction activities will require the use of potentially harmful materials, such as fuels,	No.

		<p>hydraulic oils and other such substances. Such use will be typical of construction sites. Any impacts would be local and temporary in nature and implementation of a Construction Management Plan will satisfactorily mitigate potential impacts. No operational impacts in this regard are anticipated.</p>	
<p>1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?</p>	<p>Yes</p>	<p>Construction activities will require the use of potentially harmful materials, such as fuels and other such substances and give rise to</p>	<p>No.</p>

		<p>waste for disposal. Such use will be typical of construction sites. Noise and dust emissions during construction are likely. Such construction impacts would be local and temporary in nature and implementation of a Construction Management Plan will satisfactorily mitigate potential impacts. Operational waste will be managed via a Waste Management Plan. Significant operational</p>
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		impacts are not anticipated.	
1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?	No	No significant risk identified. Operation of a Construction Management Plan will satisfactorily mitigate emissions from spillages during construction. The operational development will connect to mains services. Surface water drainage will be separate to foul services within the site. No significant emissions during operation are anticipated.	No.
1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?	Yes	Potential for construction activity to give rise to noise and vibration	No.

		<p>emissions. Such emissions will be localised, short term in nature and their impacts may be suitably mitigated by the operation of a Construction Management Plan. Management of the scheme in accordance with an agreed Management Plan will mitigate potential operational impacts.</p>	
<p>1.8 Will there be any risks to human health, for example due to water contamination or air pollution?</p>	<p>No</p>	<p>Construction activity is likely to give rise to dust emissions. Such construction impacts would be temporary and localised in</p>	<p>No.</p>

		<p>nature and the application of a Construction Management Plan would satisfactorily address potential impacts on human health. No significant operational impacts are anticipated.</p>	
<p>1.9 Will there be any risk of major accidents that could affect human health or the environment?</p>	<p>No</p>	<p>No significant risk having regard to the nature and scale of development. Any risk arising from construction will be localised and temporary in nature. The site is not at risk of flooding. There are no Seveso / COMAH sites in the vicinity of this location.</p>	<p>No.</p>

<p>1.10 Will the project affect the social environment (population, employment)</p>		<p>Redevelopment of this site as proposed will result in a change of use and an increased population at this location. This is not regarded as significant given the urban location of the site and surrounding pattern of land uses, primarily characterised by residential development.</p>	
<p>1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?</p>	<p>Yes</p>	<p>The site is located within the Northern Cross area and which forms part of the Clongriffin-Belmayne Area, identified as a Strategic Development and Regeneration</p>	<p>No.</p>
	<p>No.</p>		<p>No.</p>

		<p>Area 1. The proposed development is acceptable in terms of the nature of development, impact on the character of the area and will not have a negative impact on the environment in combination with other development in this area.</p>	
<p>2. Location of proposed development</p>			
<p>2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following:</p> <ol style="list-style-type: none"> 1. European site (SAC/ SPA/ pSAC/ pSPA) 2. NHA/ pNHA 3. Designated Nature Reserve 4. Designated refuge for flora or fauna 5. Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan 	<p>No</p>	<p>No European sites located on the site. A Natura Impact Statement accompanied the application which concluded the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of any</p>	<p>No.</p>

		designated European sites.	
2.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be affected by the project?	No	No such species use the site and no impacts on such species are anticipated.	No.
2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?	No	The site is not within or adjacent to any such sites.	No.
2.4 Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?	No.	There are no such features arise in this urban location.	No.
2.5 Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?	No.	The site is located to the south of the Mayne River. The development will implement SUDS measures to control surface water run-off. The site is not at risk of flooding. Potential indirect impacts are considered with regard to surface water, however, no	No.

		likely significant effects are anticipated.	
2.6 Is the location susceptible to subsidence, landslides or erosion?	No.	Site is located in a built-up urban location where such impacts are not foreseen.	No.
2.7 Are there any key transport routes (e.g. National Primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?	No.	The site is served by a local urban road network. There are sustainable transport options available to future residents. No significant contribution to traffic congestion is anticipated.	No.
2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?	No	None adjacent to the subject site. A nursing home and childcare provision will not be negatively impacted by this development.	No.

3. Any other factors that should be considered which could lead to environmental impacts

<p>3.1 Cumulative Effects: Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?</p>	No.	<p>No developments have been identified in the vicinity which would give rise to significant cumulative environmental effects. Some cumulative traffic impacts may arise during construction. This would be subject to a construction traffic management plan.</p>	No.
<p>3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?</p>	No.	No trans-boundary effects arise.	No.
<p>3.3 Are there any other relevant considerations?</p>	No.	No.	No.
<p>C. CONCLUSION</p>			
<p>No real likelihood of significant effects on the environment.</p>	Yes	EIAR Not Required	EIAR Not Required.
<p>Real likelihood of significant effects on the environment.</p>		<p>Refuse to deal with the application pursuant to section 8(3)(a) of the Planning and Development (Housing) and Residential</p>	

D. MAIN REASONS AND CONSIDERATIONS

Having regard to: -

- a) the nature and scale of the proposed development, which is below the threshold in respect of Class 10(b)(iv) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
- b) Class 14 of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
- c) the location of the site on lands governed by zoning objective Z14 of the Dublin City Development Plan 2016 - 2022, which aims to 'seek the social, economic and physical development and/or rejuvenation of an area with mixed use, of which residential and "Z6" would be the predominant uses',
- d) The existing use on the site and pattern of development in surrounding area,
- e) The planning history relating to the site,
- f) The availability of mains water and wastewater services to serve the proposed development,
- g) The location of the development outside of any sensitive location specified in article 299(C)(1)(v) of the Planning and Development Regulations 2001 (as amended),
- h) The guidance set out in the "Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development", issued by the Department of the Environment, Heritage and Local Government (2003),
- i) The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 as amended, and
- j) The features and measures proposed by applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the proposed Outline Construction & Demolition Waste Management Plan (CDWMP) and Outline Construction Management Plan (CMP),

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

Inspector: _____

Date: _____

