



An
Bord
Pleanála

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

Inspector's Addendum Report

ABP-314386-22

Strategic Housing Development

156 residential units in two blocks, car parking, open space and all associated site works.

Location

Site 10, Mayne River Avenue,
Northern Cross, Malahide Road,
Dublin 17.

Website

www.ncsite10shd.ie

Planning Authority

Dublin City Council

Applicant(s)

Camgill Property a Tri Limited

Observer(s)

None

Date of Site Inspection

20th November 2024

Inspector

Paul O'Brien

1.0 Introduction

1.1. This report is an Addendum report to the Inspector's Report in respect of 314386-22 dated 24th of November 2022.

1.2. The Board issued a Direction under BD-017237-24 on the 14th of August 2024 stating:

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

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

1.3. Since the preparation of the original report, Dublin City Council have adopted a new City Development Plan which came into effect on the 14th of December 2022.

1.4. Relevant new/ updated National Guidance, since the preparation of the original report, includes the following:

- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (DoHLGH, July 2023)
- Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (January 2024)

1.5. I will address the direction of the Board, the Dublin City Development Plan and the new/ updated guidance in the following sections of this report.

2.0 Recent, relevant, planning applications in the immediate vicinity of the site

- Ref. ABP-312408-22 refers to an application for the demolition of existing office building, Rosemount House, and to construct 176 residential units in one block of up to nine storeys in height, and all associated site works.
- Ref. ABP-313182-22 refers to a grant for the BusConnects Clongriffin to City Centre Core Bus Corridor Scheme, which starts at the Malahide Road/ R139 Junction. This decision is subject to Judicial Review proceedings at present.

3.0 An Assessment of the Proposed Development by Reference to the Dublin City Development Plan (DCDP) 2022 – 2028 and Recent Planning Guidelines issued under Section 28 of the Planning and Development Act 2000 (as amended)

3.1. Context

Further to Board Direction BD-017237-24 I have addressed ‘reference to the current statutory development and any relevant updated Guidance’ in this section to avoid unnecessary repetition as there is a degree of overlap in matters arising.

3.2. Dublin City Development Plan 2022 - 2028

3.2.1. The Dublin City Development Plan 2022 – 2028 is the current operative Plan for this site and which came into effect on the 14th of December 2022. This Plan supersedes the Dublin City Development Plan 2016 – 2022 which the applicant refers to in their reports as well as reference to the Draft Dublin City Development Plan as at the time of submitting their application.

3.2.2. I have identified relevant policies and objectives within the adopted Dublin City Development Plan (DCDP) 2022 - 2028 and have assessed if/ how the proposal complies with them, as follows, starting with the zoning/ map based objectives in the following table:

Table 1 – Zoning/ Map Based Objectives

2016 – 2022 Plan	2022 – 2028 Plan

Map B – Site and adjoining lands were zoned Z14 - Strategic Development and Regeneration Areas (SDRAs).	Map B – Subject site is zoned Z14 - Strategic Development and Regeneration Areas (SDRAs) – Adjoining lands are now zoned for a mix of Z6 – Employment/ Enterprise and Z4 – Key Urban Villages/ Urban Villages and Z9 – Amenity/ Open Space Lands/ Green Network and Z14.
Map B – Located within SDRA 1	Map B – Does not state which SDRA this is, but from Chapter 13 of the plan it is stated to be SDRA 1 Clongriffin/ Belmayne and Environs.
Map B – ‘Road Schemes and Bridges’ indicated to the north of the subject lands	Map B – No road schemes indicated on this map. See section on Chapter 13.
Map B - None	Map B – Located within Dublin Airport Noise Zone.
Map K – Site is within SDRA 1 and adjacent to KUV (Key Urban Village) 1	Map K – Site is within SDRA 1 and adjacent to KDC (Key District Centre) 1
Zoning: Z14 - 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.	Zoning: Z14 - To seek the social, economic and physical development and/or regeneration of an area with mixed-use, of which residential would be the predominant use.
Z14 Relevant Permissible Uses - Childcare Facility, Community Facility, Cultural/recreational building and uses, education, enterprise centre, hotel, industry (light), offices, restaurant, science and technology-based industry, shop (neighbourhood), training centre.	Z14 Relevant Permissible Uses – Build to Rent Residential, Childcare Facility, Community Facility, Cultural/ Recreation Building and Uses, Enterprise Centre, Hotel, Residential, Restaurant, Shop, Student Accommodation, Training Centre.

From the above table, it is clear that there are no significant changes in the nature of the zoning between the current and previous Development Plan.

Written Statement

3.2.3. Chapter 1 – Strategic Context and Vision –

- There are no relevant policies, objectives or other quantitative measures in this chapter of the Development Plan. This chapter is set at a strategic level, though I note the following:

‘The City Council is committed to promoting compact growth and ensuring the continued consolidation of the city, with sustainable patterns of development and the creation of a dynamic and vibrant city core complemented by well-served and integrated neighbourhoods.

It is the objective of the Council to ensure the best use of the city’s land to deliver additional housing, to provide integrated transport including enhanced walking and cycling facilities; to the development of community infrastructure and facilities including cultural and sports amenities; and to long term, sustainable economic growth.’

3.2.4. Chapter 2 – Core Strategy:

- The proposed development demonstrates compliance with the relevant policies and objectives contained in this chapter. Figure 2-1 indicates that the site is located within one of the Strategic Development and Regeneration Areas. Table 2-8 provides details on the ‘Core Strategy and Settlement Hierarchy’ and the Clongriffin/ Belmayne SDRA and Key Urban Village (KUV) providing for a Proposed Residential Yield of 6,950 – 7,350 and an estimated population of 14,700.

3.2.5. Chapter 3 – Climate Action:

- I consider the proposed development to be consistent with Policy CA3 as it would promote sustainable transport patterns, urban forms and mobility in accordance with the National Planning Framework (NPF) and the Regional Spatial and Economic Strategy (RSES).
- The development is also consistent with Policy CA5 as appropriate measures have been incorporated into the design to ensure that 1 in 100-year flood and

storm events are accounted for as set out in the Site Specific Flood Risk Assessment and the Infrastructure Report. The Infrastructure Report outlines how the development provides for SUDs measures and complies with the principles of the Greater Dublin Strategic Drainage Study (GDSDS).

- Policy CA8 seeks to provide for development that will reduce carbon dioxide emissions and promotes the efficient use of energy/ resources. The development demonstrates compliance through the submitted 'Building Lifecycle Report' which indicates a target BER of A2/A3, compliance with TGD L, the use of energy efficiency throughout the development and use of appropriate ventilation on site. Further details are outlined in the 'Building Material Report', the 'Architectural Design Statement' and the 'Energy Strategy and BER Report'. Waste management is adequately addressed through the 'Proposed Operational Waste Management Plan'. The site is located within walking distance of high capacity/ frequency public transport. I am satisfied that the development is consistent with Policy CA8.
- Policy CA9 requires development to demonstrate sustainable and climate adaptable design. The provision of open space, SUDs measures and development on Flood Zone C lands demonstrates consistency with this policy, and I consider this to be acceptable.
- Policy CA10 requires a Climate Action Energy Statement for all developments over 30 residential units and this is acceptably achieved through the submitted 'Energy Strategy and BER Report'.
- Policy CA11 seeks to support, encourage and facilitate production of energy from renewable sources, and this is again undertaken through the 'Energy Strategy BER Report'. Exhaust heat pumps and PV panels to be provided and which is consistent with the policy.
- Policy CA17 requires that all submitted Climate Action Energy Statements outline how a proposed development in a SDRA can be 'district heating enabled'. The submitted documentation does not outline how this can be achieved, and this is assessed further under Section 3.2.17 of this addendum report.
- A 'C&D Waste Management Plan', an 'Outline Construction and Environment Management Plan', and an 'Operational Waste Management Plan' have been submitted in support of the development and demonstrate that the development is consistent with Policy CA24 in relation to best practice on waste management for

construction and demolition waste generated from this development, though no demolition forms part of this development.

- 10% of car parking spaces are to be provided with electric vehicle charging and which is in accordance with Policy CA25 and Objective CA04.
- Natural Flood Risk Mitigation measures are outlined in Policy CA28 and these have been provided in the proposed development and supporting documentation.
- Table 3-1 provides a 'Summary of Climate Action Measure by Chapter' and these are addressed, where relevant, in the following sections of this addendum report.

3.2.6. Chapter 4: Shape and Structure of the City

- Policy Objectives SC1 to SC7 are not relevant to this development as they refer to inner city areas.
- The proposal demonstrates consistency with Policy SC8 and SC9 in that the subject scheme will see development on these inner suburban lands at an appropriate density and where public transport exists. The adjoining lands provide for retail and other services and the proposed development will support the economic viability of these.
- Policy SC10 – Urban Density, SC11 – Compact Growth, and SC12 – Housing Mix have been considered and the development is considered to be consistent with them.
- Green infrastructure has been provided as part of the development and ensures integration with existing provision in the area as per Policy SC13.
- Building Height is considered under Policy SC15 to SC18 and has been considered in full by the applicant in this application. A detailed assessment is provided under Section 3.3 of this addendum report.
- Policy SC19 to SC21 and Policy SC23 have been addressed through the submitted 'Architectural Design Statement'. This is required for all developments in excess of 50 units.

3.2.7. Chapter 5: Quality Housing and Sustainable Neighbourhoods

- Policy QHSN10 promotes residential development at suitable densities throughout the city having regard to high quality urban design and the existing character of the area. The 'Architectural Design Statement' and the 'Planning Report & Statement of Consistency' demonstrate how this policy is complied with

in full. The development would be in accordance with this policy through appropriate density and the high quality of design proposed will integrate with existing structures in the area.

- Policy QHSN11 promotes the development of the 15-Minute City and QHSN12 promotes neighbourhood development having regard to the established character of an area, availability of services/ facilities whilst considering appropriate Section 28 guidance. These have been considered through the 'Architectural Design Statement' and the 'Planning Report & Statement of Consistency' as well as through the 'Northern Cross Masterplan Report' which provides for a context for the development in this location.
- Policies QHSN16 to 20 and Objective QHSNO11 refer to the needs of those with disabilities, people throughout their life, the ageing population and the young. Section 5.15 of the 'Architectural Design Statement' refers to a Universal Access Statement and that a Disability Access Certificate will be sought for this development. The proposed development is provided with accessible open space to meet the recreational needs of all who live here.
- Policy QHSN21 seeks to prevent the development of gated communities, and the proposed development allows for access to the site and ground, though access to the apartment blocks is controlled by suitable doors etc.
- Policy QHSN22 is addressed under Principle 2 of Section 5.15 of the Architectural Design Statement in that it states that the proposed residential units can provide for revised layouts depending on the needs and uses of the residents over time.
- Policies QHSN36 to 38 seek to provide and promote the needs of different tenure types. The applicant has addressed these through the 'Architectural Design Statement' and the 'Planning Report & Statement of Consistency'. The proposed development provides for one/ two-bedroom units, and the nature of existing adjoining development provides for a mix of tenure types from one to four bedroom units in accordance with these policies. Adequate residential amenity is provided to serve each residential unit. A managing agent will be employed to deal with the day-to-day maintenance/ operation measures required on site; this is in accordance with Policy QHSN39 site management.
- The 'Architectural Design Statement' and the 'Planning Report & Statement of Consistency' as well as the 'Northern Cross Masterplan Report' demonstrate how

the development will integrate with the existing/ developing character of this area. There are a range of retail/ social and other services within walking distance, and which demonstrate compliance with Policy QHSN47 provision of neighbourhood and community facilities.

- A 'Social and Community Infrastructure Audit' is provided in support of the development and which demonstrates consistency with QHSN48 and the requirement for such an audit for developments in excess of 50 or more units; this is an application for 156 apartment units.
- Phasing is outlined under QHSN49, however it is proposed that this development will be provided in one phase, this is in consideration of the nature of development.
- QHSNO15 requires that all housing developments over 100 units shall provide for a community safety strategy for implementation. No such document has been provided with this application. The development is similar to others in the area and the existing site/ proposed development will enjoy good levels of passive surveillance of the site and around the site. This is not an isolated stand-alone development and does provide for the infilling of a currently undeveloped site in a developing urban area.

I do not foresee any unique issues regarding community safety on this site and as reported the layout of the site is of a good quality and provides for appropriate passive surveillance whilst ensuring that overlooking does not result in reduced residential amenity. Although it is possible to condition the provision of a community safety strategy, I do not see a need for such at this time.

- Policy QHSN55 and Objective QHSNO19 refers to the need for appropriate childcare to serve the needs of a residential development and also to ensure that such facilities are provided in suitable locations. This issue has already been addressed in the original Inspectors assessment.

3.2.8. Chapter 6: City Economy and Enterprise

- There are no relevant policies, objectives or other quantitative measures in this chapter of the Development Plan. Policy CEE10 seeks to support employment in the outer city and there will be some additional short to medium term employment during the construction phase of this development and through the on-going maintenance of the site.

3.2.9. Chapter 7: The City Centre, Urban Villages and Retail

- This chapter refers primarily to the city centre, key urban villages and urban villages around the city. Clongriffin – Belmayne is designated as a Key Urban Village but this area is indicated to be to the east of the subject site closer to the Dublin to Belfast railway line rather than the Malahide Road, which is closer to the subject development site. There are no relevant policies, objectives or other quantitative measures in this chapter of the Development Plan.

3.2.10. Chapter 8: Sustainable Movement and Transport

- Policy SMT01 seeks a shift from the car to more sustainable forms of transport and SMT02 seeks to support the rollout of electric vehicle infrastructure. A total of 94 car parking spaces are proposed for the 156 units giving a ratio of 0.6:1 and a Car Park Management Strategy is provided setting out the control of the available spaces. The area is well served by public transport and the development by design encourages the use of sustainable forms of transport. A minimum of 10% of the car parking spaces are fitted with EV charging. The proposed development will support Objective SMT01 in its goal to transition to more sustainable forms of transport.
- Policy SMT06 promotes the development of mobility strategies for new developments and SMT07 requires the preparation of travel plans. The subject application is consistent with these policies through the submitted Residential Travel Plan (RTP) and which includes a RTP manager on site to encourage the use of sustainable forms of travel.
- Policy SMT09 seeks the co-ordinated delivery of high-quality public realm, and the proposed development provides for active street frontages as appropriate and suitable landscaping that has regard to the established/ developing nature of this area.
- Objective SMT03 seeks to provide for accessible on-street parking bays and such bays are indicated on the site layout plan and the 'Proposed Roads Layout' plan with 5 such spaces indicated.
- A number of policies and objectives are included in the Development Plan which refer to pedestrian facilities, such as Objective SMT02 and Policy SMT012, 16 and 19. The proposed development is consistent with these as it provides for

suitable pedestrian facilities that make for efficient connections and provide for good permeability.

- In regard to cycling, the location of the site is such that no specific track-based infrastructure is required, however the development is consistent with Objectives SMT09, and 12. Objective SMT010 requires the provision of a full walking and cycling audit for new developments in excess of 100 units and this is provided in the submitted 'Quality Audit'.
- Policy SMT24 seeks to promote and expand the use of shared mobility throughout the city. Details are provided on file that the applicant has engaged with Go-Car about the provision of capacity for four cars on this site and this is consistent with this Development Plan policy.
- As already reported car parking provision is made for 94 spaces, and this is consistent with Policy SMT27. Electric car parking is also provided for, and this is in accordance with Policy SMT29 which seeks to expand the EV charging network in the Dublin City area.
- The proposed development will require only internal road layout works. The development is consistent with Policies SMT33, 34 and 35.

3.2.11. Chapter 9: Sustainable Environmental Infrastructure and Flood Risk

- Policies SI1 to SI6 refer to the provision of suitable foul drainage and water supply to serve the needs of new development. Uisce Éireann have reported no objection to the proposed development and water supply/ foul drainage connections can be made. A Confirmation of Feasibility for water supply and foul drainage was issued in June 2021 and a Statement of Design Acceptance was issued in June 2022. The proposed development is considered to be consistent with these policies.

Note: I have checked the Uisce Éireann Capacity Registers, published dates are December 2024. For the Dublin City and Suburbs Wastewater treatment capacity registers there is a green indication with capacity available and in terms of Water supply capacity registers there is Potential Capacity Available – LoS improvement required – note on this states:

'Potential Capacity Available to meet 2033 population targets - Level of service (LoS) improvement required. Capacity constraints exist and additional analysis of Pre-connection Enquiries and Connection Applications will be undertaken as

required by UÉ on an individual basis considering their specific load requirements. Improvement proposals will include but are not limited to leakage reduction and/or capital investment. These proposals will be required to maintain/improve levels of service as demand increases. These proposals will be developed & prioritised through the National Water Resources Plan and investment planning process.'

There is no indication that water supply and/ or foul drainage capacity would be difficult to provide for this development.

- Policy SI12 seeks to provide for enhanced rivers corridors in the area of SDRAs including Clongriffin/ Belmayne and Environs; the proposed development does not adversely impact on this corridor as an area of open space to the north of the site provides for a buffer between the development and the Mayne River.
- SI15 requires the provision of a Site-Specific Flood Risk Assessment, and this has been provided by the applicant, dated August 2022.
- Full details of the surface water drainage system including SUDs measures and compliance with the GDSDS are provided in the Infrastructure Report; these are consistent with Policy SI21, SI22 and SI25 of the Development Plan.
- Waste management is detailed in the 'Operational Waste Management Plan' and addresses Policy SI29 and SI30.
- A 'Noise & Vibration Impact Assessment Report' dated August 2022 has been provided in support of the application. The site is located within Zone C of the Dublin Airport Local Area Plan, January 2020 as prepared by Fingal County Council. Full details of this assessment are provided in the applicants report and I consider this to be consistent with SI36, SI37 and 40 of the Development Plan.
- Policy SI35 and SI46 refers to provision of suitable digital connectivity to serve development in the Dublin City area and as per the 'Utility Infrastructure Report', suitable ducting will be provided to serve this development.

3.2.12. Chapter 10: Green Infrastructure and Recreation

- The River Mayne, which is located to the north of the subject site, is indicated on Figure 10-1 'Existing Strategic Green and Blue Network in Dublin City' as 'Blue/ Green Corridors'. The proposed development does not extend into this area and open space to the north of the site acts as a buffer between the development site

and the Mayne River – this also demonstrates consistency with Policy GI29 and also GI32 – development of linear parks along waterways.

- Public open space on site is consistent with Policies GI6 – new development, GI7 – linking of open space, GI16 – habitat creation, GI24 – multi functional use of open space, GI25 – adequate open space provision and GI28 – adequate provision of suitable open space on new development lands.
- Objective GI01 seeks to provide for green/ blue roofs. Green roofs are proposed in addition to solar panels, and which limits the space for any additional infrastructure at this level. I consider the proposed green roof to be acceptable for this development and there is no requirement for an additional blue roof system.
- The proposed development has been subject to Appropriate Assessment (AA) with a Natura Impact Statement provided in support of the development. Subsequent to the lodging of the application, the North West Irish Sea SPA was designated as a European site and was not included in the applicant's AA Screening Report. I have carried out an additional AA Screening and which is included in Appendix 1 of this report. The development is consistent with Policies GI9, GI11, GI13, and GI30.
- Tree protection and additional planting are detailed in the submitted 'Arboricultural Inventory & Impact Assessment' as well as in the submitted landscaping plans and supporting documents. These demonstrate consistency with Objectives GIO41 – tree strategy and GIO42 – protect trees as well as policies GI40 and GI41.
- In addition to public open space, play facility provision is made on site and demonstrates consistency with GI51 and 52.

3.2.13. Chapter 11: Built Heritage and Archaeology

- As there are no structures on site and the adjoining area consists of relatively modern construction, there are no relevant policies, objectives or other quantitative measures in this chapter of the Development Plan. Belcamp House, a protected structure, is located approximately 290m to the north west of the subject site, but the proposed development will not adversely impact on its setting.

3.2.14. Chapter 12: Culture

- Objective CUO25 requires that SDRAs and large scale developments above 10,000 sq m in total area must provide, at a minimum for 5%, community, arts and culture spaces including exhibition, performance, and artist workspaces predominantly internal floorspace as part of their development at the design stage. The option of relocating a portion (no more than 50% of the area) of this to a site immediately adjacent to the area can be accepted where it is demonstrated to be the better outcome, and that it can be a contribution to an existing project in the immediate vicinity. The appropriate balance of space between cultural and community use can be decided at the application stage, from an audit of the area. I draw the Board's attention to the fact that the SHD as submitted would not comply with the provisions of this objective, and to grant permission would be a material contravention of the Dublin City Development Plan 2022 – 2028. This is considered further in this report under Section 4.0 – Issue of Material Contravention.
- Objective CUO30 requires that large scale developments above 10,000 sq. m. in total area must provide a cultural audit to identify shortcomings in the area. The submitted 'Social and Community Infrastructure Audit' has provided an assessment of existing community and social provision in the immediate area of 750 m radius (3.30 of applicant's report), provided an assessment of available facilities and has considered the need for a facility as part of this development. I consider the submitted report addresses CUO30.
- Objective CUO54 refers to the naming of new developments in the Irish language. This is an issue that can be agreed by condition between the developer and Dublin City Council in my opinion.
- There is a requirement for public art to be provided for developments in excess of 25,000 sq m under Objective CUO58, however the subject development with a gross floor area of 16,481 sq m falls significantly below that figure.

3.2.15. Chapter 13: Strategic Development Regeneration Areas

- The subject site is located within the lands designated as part of SDRA 1 - Clongriffin/Belmayne and Environs. The overall lands here provide for 52 hectares and an estimated capacity for 6,950 – 7,350 units as per Table 13.1. Specific objectives relevant to development on these lands are provided under SDRAO1.

- Section 13.3 refers to ‘SDRA 1 – Clongriffin/Belmayne and Environs’. A masterplan was prepared, and the applicant has included this with their application. The following headings, with relevant comments, are noted:
 - Urban Structure: Two key urban villages connected with a Main Street boulevard. Provision of streets, facilities, green infrastructure and connections. Development to be in a perimeter block configuration. The development is generally consistent with these requirements.
 - Land Use & Activity: Mix of uses on these lands, appropriate densities and services to meet the needs of future residents. Development in the area includes commercial, retail, medical and childcare in addition to residential development. The development is consistent with these requirements, providing for residential development to support the vitality of the area.
 - Height: Minimum heights of 5 storeys in the key urban villages and 4 to 5 storeys minimum for main street. Height of buildings to have regard to the existing character of the area. This was assessed in my original report under Section 10.3 and found to be acceptable and has regard to the character of the area. Maximum heights are not specified in the Dublin City Development Plan and the provision of 8 to 11 storeys is acceptable. This is considered further under Section 3.3 of this report.
 - Design: High quality design which the proposed development demonstrates.
 - Green Infrastructure: Provision of a SUDs strategy, development along rivers and inclusion of suitable biodiversity measures. The development is generally consistent with these requirements.

3.2.16. Chapter 14: Land-use Zoning

- I have already commented on the site zoning under Section 3.2.2. There is no significant change in the Z14 zoning from the previous to the current Dublin City Development Plan 2022 – 2028. The proposed development is consistent with the site zoning.

3.2.17. Chapter 15: Development Standards

Table 15-1 ‘Thresholds for Planning Applications’ provides the limit standards for the inclusion of supporting documentation. The subject application is supported with a

number of documents and the following Table 2 lists their inclusion, or a similar equivalent document, in relation to Table 15-1 of the Dublin City Development Plan.

Table 2 – Documents to be provided in accordance with Development Plan Thresholds

Table 15-1 Requirement	Threshold	Provided Document
Architectural Design Report	50 or more residential units	Architectural Design Statement – August 2022
Housing Quality Assessment	All residential developments	Schedule of Areas and Housing Quality Assessment – Drawing no. 1521 -JSA -BLK10 -ZZ -B1 -SH - A -1501.
Landscape Design Report	30 or more residential units	Landscape Design Statement – August 2022
Planning Report	30 or more residential units	Planning Report & Statement of Consistency with Planning Policy – August 2022
Daylight and Sunlight Assessment	All apartment developments	Daylight & Sunlight Assessments of a Strategic Housing Development – August 2022
Community and Social Audit	50 or more residential units	Social and Community Infrastructure Audit – August 2022
Lifecycle Report	All apartment developments	Building Lifecycle Report – June 2022
Community Safety Strategy	100 residential units	Not provided and not necessary in the context of this development – See Section 3.2.7.

Operational Management Statement	30 or more residential units	Partially in the Proposed Operational Waste Management Plan
Traffic and Transport Assessment	50 or more residential units	Infrastructure Report – August 2022
Mobility Management/ Travel Plan	20 or more residential units	Parking and Mobility Management Plan and Residential Travel Plan - August 2022
Road Safety Audit	New roads.	Quality Audit and Response to Quality Audit – August 2022
Service Delivery and Access Strategy	All Mews/ Backland Dwellings	Not Required.
Engineering Services Report (Civil and Structural)	30 or more residential units	Infrastructure Report – August 2022
Construction Management Plan	30 or more residential units	Outline Construction and Environmental Management Plan – August 2022
Construction Demolition Waste Management Plan	30 or more residential units	Outline Construction and Demolition Waste Management Plan – August 2022
Operational Waste Management Plan	30 or more residential units	Proposed Operational Waste Management Plan
Basement Impact Assessment	Developments that include a basement	Section 4. of the Infrastructure Report – August 2022
Climate Action and Energy Statement	30 or more residential units	Energy Strategy and BER Report – August 2022

Surface Water Management Plan	2 or more residential developments	Infrastructure Report – August 2022
Noise Assessment	Where there is noise generated or within a noise designated zone.	Noise & Vibration Impact Assessment Report – August 2022
Site Specific Flood Risk Assessment		Site Specific Flood Risk Assessment – August 2022
Site Investigation Report		Infrastructure Report and Archaeological Assessment – August 2022
Conservation Report		Not Required.
Retail Impact Statement		Not Required.
Ecological Impact Assessment		Terrestrial Ecology Report – August 2022
Appropriate Assessment Screening and NIS		Screening Report for Appropriate Assessment and Natura Impact Statement - August 2022
Environmental Impact Assessment		Environmental Impact Assessment Screening Report – June 2022
Landscape and Visual Impact Assessment, Microclimate Assessment, Telecommunications Report		<ul style="list-style-type: none"> • Landscape & Visual Impact Assessment – August 2022 • Microclimate Impact Assessment Report – August 2022

		<ul style="list-style-type: none"> • Telecommunications Report – August 2022
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- The applicant has provided the required information in accordance with the thresholds set out in the Dublin City Development Plan 2022 – 2028. EIA, AA and EclA are fully addressed as per Section 15.3 of the Development Plan. I have carried out an additional AA Screening for the North West Irish Sea SPA and which is included in Appendix 1 of this report.
- Section 15.4 – Key Design Principles refers to Healthy Placemaking, Architectural Quality, Sustainability and Climate Action, Inclusivity and Accessibility, and Safe and Secure Design. These issues have been addressed in the original Inspectors Report. I note reference here to the need for a Community Safety Strategy and I consider there to be no requirement for such considering the layout and design of the development. The site is not large and benefits from good passive surveillance on all sides.
- Section 15.5 refers to Site Characteristics and Design Parameters and I consider the development to be appropriately categorised as an Infill Development (Section 15.5.2) and meets the listed requirements set out in the Development Plan.
- Appendix 3 provides requirements for the height strategy for the city, density requirements, plot ratio and site coverage and details of appropriate materials and finishes. These have been addressed in the original inspector's report under sections 10.3 and 10.5, demonstrating that the development is consistent in relation to these requirements of the Development Plan. The submitted Architectural Design Statement provides full details on the design and finish of this development and is compliant with Table 15-2 of the Development Plan.
- Section 15.6 refers to Green Infrastructure and Landscaping and also refers back to Chapter 10 of the Development Plan and the Dublin City Biodiversity Action Plan 2021 – 2025. This is a relatively small site on the edge of a built-up urban area. Green infrastructure is provided in the form of open space on site which includes a buffer area between the development lands and the Mayne River to the north of the site. Surface water drainage management includes the provision of suitable SUDs measures on site. Green roofs are proposed, though no blue roof is proposed at this stage. Sensitive ecological areas are considered in the

AA Screening/ NIS and EclA. Detailed landscaping details are provided and include the provision of amenity space, play areas and have regard to the needs of biodiversity. No significant tree lines are located on site and some trees will be removed to the north of the site to facilitate this development. New tree planting will compensate for the loss of existing trees. Suitable boundary treatments will be provided on/ around this site.

- Section 15.7 refers to Climate Action. No buildings are proposed for demolition and the area is not one identified at this stage for the provision of district heating. An 'Energy & BER Report' has been provided and details how units are to be heated, primarily by heat pumps, though a number of different sources have been provided. I am satisfied that this report is acceptable in terms of the provision of a Climate Action Energy Statement as per Section 15.7.3 of the Development Plan. No reference is made to the use of a 'District Heating Enabled' development and SDRA 1 is not listed as such a location. Having considered the submitted report, adequate provision is made for low energy/ efficient sources of heating to serve this development, and I am satisfied that there is no requirement for details on district heating to serve this development.
- Section 15.8 addresses Residential Development and the need for supporting documentation for a development of that nature. I am satisfied that the submitted application has included the required documentation as outlined in this section of the Development Plan. I have already outlined the reports submitted in Section 3.2.17 of this addendum report. The applicant has provided a list of schools in the area and reports that additional school capacity was permitted in 2020. No childcare is provided as part of this development. The development would generate demand for 22 spaces, and it has been assessed that there is adequate provision in the area to accommodate this demand. Open space and amenity space details have been provided in the relevant documentation; this includes details of proposed play areas/ equipment to be provided to serve the residents of this development.
- Section 15.9 sets out the requirements for apartment standards in the Dublin City Area and these are provided in accordance with 'The Sustainable Urban Housing: Design Standards for New Apartments (December 2020)'. These have been superseded by the 2022 and 2023 guidelines, though the general standards remain the same as previous. Compliance with the requirements of the

guidelines have already been considered in my original report and all issues have been adequately identified/ addressed. A Building Lifecycle Report has been provided in support of the development. No mixed uses are proposed as part of this development.

- This is not a Build to Rent (BTR) scheme therefore Section 15.10 of the Development Plan does not apply. Similarly, this is not an Other Residential Typologies development in accordance with Section 15.13 of the Development Plan. Section 15.14 – Commercial Development/ Miscellaneous does not apply.
- Section 15.15 refers to ‘Built Heritage and Archaeology’ and an Archaeological Assessment dated August 2022 was submitted in support of the development. This concludes that the site has been subject to significant disturbance and that no further archaeological mitigation is required or considered to be necessary here. There are no structures of importance or significance on site and the site is not located within an architectural conservation area.
- Section 15.16 refers to ‘Sustainable Movement and Transport’ and this is further detailed in Appendix 5 of the Development Plan, though all required documentation has been provided in support of the development.
- Section 15.17 refers to the ‘Public Realm’ and which has been addressed already in the original inspector’s report and this addendum report. Full details on public lighting have been provided and final details can be agreed by way of condition. Reference to Public Art (15.17.3), and Outdoor Seating and Street Furniture (15.15.4) are not so relevant to development of this nature. No retail is proposed in this development therefore Section 15.17.5 does not apply.
- Section 15.18 refers to Environmental Management and again a number of supporting documents are required and have been provided by the applicant in support of this development. The ‘Outline Construction and Environmental Management Plan’ states that a construction traffic management plan will be put in place by the main contractor (section 4.12) and vehicle movements will be agreed with Dublin City Council (section 4.14). I am satisfied that it is appropriate that these issues be agreed by way of condition.
- Basement construction details are provided in the Outline Construction and Environmental Management Plan’ (section 3.1 and 3.2) and the Infrastructure Report (section 4 – Basement Impact Assessment). I am satisfied that the submitted details are acceptable.

- Full regard is had to potential noise impacts through the submitted 'Noise & Vibration Impact Assessment Report' and which is in accordance with Section 15.18.9 of the Dublin City Development Plan.

3.2.18. Chapter 16: Monitoring and Implementation

- This chapter is not relevant to the submitted development as it primarily concerns the implementation of the Development Plan.

3.2.19. Volume 2: Appendices

- Appendix 1: Housing Strategy
This appendix is not relevant to the submitted development as is primarily concerns the adequate supply of housing in the Dublin City area. The relevant unit mix has been considered in the original assessment.
- Appendix 2: Retail Strategy.
This appendix is not relevant to the submitted development as no retail is proposed as part of this scheme.
- Appendix 3: Achieving Sustainable Compact Growth
This appendix is relevant to the proposed development and is considered further under Section 3.3 of this report. This Development Plan appendix provides detail on the density and building height policies for the city.
- Appendix 4: Development Plan Mandatory Requirements
This appendix is not relevant to the proposed development as it refers to requirements/ considerations to be contained within the Development Plan.
- Appendix 5: Transport and Mobility: Technical Requirements
This appendix sets out standards and requirements for development in terms of transport and mobility issues. Some aspects are relevant to the subject development, and I have considered them as follows, as per the Development Plan headings:
 - Layout and Access: The development provides for good pedestrian permeability and layout, and this is adequately detailed in the DMURS Statement of Compliance, the Road Safety Audit and the Quality Audit.
 - Transport Assessments: The application is supported with a Transport Impact Assessment, Public Transport Capacity Study, Residential Travel Plan, Parking and Mobility Management Plan and Infrastructure (Civils)

Report, in addition to the DMURS Statement of Compliance, the Road Safety Audit and the Quality Audit. These demonstrate compliance with the Development Plan.

- Mobility Management and Travel Planning: The applicant is supported with a Public Transport Capacity Study and Parking and Mobility Management Plan, in addition to a Residential Travel Plan.
- Service Delivery and Access Strategy: No retail or commercial activity is proposed as part of this development. Any service delivery would be for the benefit of residents of the development. An Operational Service Access Strategy is provided and refers to the provision of two set down/ loading bays for a range of such uses.
- Car Parking and Cycle Management: The proposed development is for residential use and a Parking and Mobility Management Plan, and a separate Car Park Management Strategy are provided in support of the development. These outline how car parking will be managed and allocated. The Car Park Management Strategy outlines how car parking will be managed on site.

Cycle Parking Standards are outlined in section 3.0 with a requirement for 1 per apartment for apartment schemes and 1 visitor space per five units. The proposed development includes 244 secure residential parking spaces and 78 visitor bicycle parking spaces; these are in accordance with the Development Plan.

Car Parking Standards are outline in Section 4.0 and the site is located within Zone 3 of Map J of the Development Plan, though the site is in close proximity to a Bus Connects Spine. Table 2 provides the 'Maximum Car Parking Standards for Various Land Uses' and sets out a maximum of 1 space per unit in Zone 3. The proposed development provides for 94 car parking spaces, approximately 0.6:1 ratio. Five of these spaces are accessible, which is in accordance with the Development Plan. Section 5.0 refers to Electric Vehicles with a requirement for 50% of all spaces to be fitted with EV charging. The proposed development provides for 10% of spaces to be fitted with electric vehicle charging points; the shortfall can be addressed through condition and the original condition included with the original report can be

revised to this greater number in compliance with the requirements of the Dublin City Development Plan

Section 6.0 refers to Motorcycle Parking and is to be provided at a rate of 5% of the car parking spaces. No specific provision is made in the development and the requirement would be five spaces. This may be achieved through condition. Section 7.0 refers to Shared Mobility and this has been provided for in the development, with four spaces allocated and a letter from Go Car stating their interest in this scheme.

- Appendix 6: Conservation

This appendix is not relevant to the proposed development as there are no impacts on any stone setts, recorded monuments, protected structures, architectural conservation areas or any other conservation areas.

- Appendix 7: Guidelines for Waste Storage Facilities

An Operational Waste Management Plan has been provided in support of this development and which demonstrates compliance with the Dublin City Council requirements.

- Appendix 8: COMAH (Seveso) Establishments

There are no such establishments in the immediate area of this development site.

- Appendix 9: Basement Development Guidance

The Dublin City Development Plan requires a standalone document for developments that include a basement level. Details have been provided in the 'Outline Construction and Environmental Management Plan' (section 3.1 and 3.2) and the Infrastructure Report (Section 4 – Basement Impact Assessment). These details the nature and construction of the basement and it is important to note that the topography results in a basement being below ground level on the southern edge but above ground level on the northern edge of the site. Full details of the ground conditions and bedrock are provided in Section 4 of the Infrastructure Report. I note that there are no buildings within the zone of influence that would be impacted by the construction of a basement, dewatering of groundwater is not required and the presence of Dublin Boulder Clay will ensure that there is limited potential for further settlement.

I am therefore satisfied that the submitted information is acceptable in meeting the requirements of Appendix 9 and no further details are required in relation to this.

- Appendix 10: Infrastructure Capacity Assessment

This refers to the provision of infrastructure at a strategic level to serve the Dublin City area. Upgraded water and foul drainage infrastructure in addition to public transport improvements would benefit future residents of this site. The SDRAs are listed in this appendix and the subject site is located within SDRA 1 – Clongriffin/ Belmayne and Environs.

- Appendix 11: Technical Summary of Dublin City Council Green and Blue Roof Guide (2021):

The applicant has proposed the provision of a green roof, but no specific blue roof infrastructure is proposed. The submitted Infrastructure Report indicates that the roof will be designed to intercept and retain approximately 10litres/ sq m.

I am satisfied that the applicant has proposed adequate provision of green roof infrastructure.

- Appendix 12: Technical Summary of Dublin City Council Sustainable Drainage Design and Evaluation Guide (2021):

Details are provided in the Infrastructure (Civils) Report and partially in the Site Specific Flood Risk Assessment.

- Appendix 13: Surface Water Management Guidance:

- Details are provided in the Infrastructure (Civils) Report and partially in the Site Specific Flood Risk Assessment.

- Appendix 14: Statement Demonstrating Compliance with Section 28 Guidelines:

This appendix is not relevant to the proposed development as it refers to requirements/ considerations to be contained within the Development Plan.

- Appendix 15: Land Use Definitions:

Provides a definition of land use zoning/ uses.

- Appendix 16: Sunlight and Daylight:

The applicant has addressed this through the submitted Daylight & Sunlight Assessments. This was assessed in the original inspector's report.

- Appendix 17: Advertising and Signage Strategy:

No commercial development is proposed on site and any issues in relation to signage can be addressed through the development management process.

- Appendix 18: Ancillary Residential Accommodation:

This section is not relevant to the submitted development as this refers to domestic extensions.

3.2.20. Volume 3 – Volume 7 of the Development Plan:

- Volume 3 – Zoning Maps: Provides the zoning maps for the city and I have considered any relevant changes under Section 3.2.2.
- Volume 4 – Record of Protected Structures: None on or adjacent to the subject site.
- Volume 5 – Strategic Environmental Assessment: Not relevant to this development as it refers to the Development Plan process primarily.
- Volume 6 – Appropriate Assessment (Natura Impact Report): Not relevant to this development as it refers to the Development Plan process primarily. Separate assessments are undertaken for this proposal.
- Volume 7 – Strategic Flood Risk Assessment: Not relevant to this development as it refers to the Development Plan process primarily, but a site specific flood risk assessment has been undertaken for this development site.

3.2.21. Conclusion on the Development Plan:

I have outlined the relevant policies and objectives from the Dublin City Development Plan 2022 – 2028 and how they differ from those contained within the previous Plan. Areas of inconsistency are highlighted and will be considered further in this report. Some of these may be addressed through condition such as the need for additional EV parking and motorcycle parking. The provision of these may result in a reduced car parking provision, though the reduction will not impact on Development Plan requirements as the standards in Table 2 of the Development Plan are set at a maximum and not a minimum. There is no issue of material contravention through the revision of car parking to provide for additional EV charging points or through the provision of specific motorcycle parking areas.

The Basement Impact Assessment has been considered by the applicant in the Infrastructure Report, but I note that the Dublin City Development Plan seeks such a report in effectively a standalone document. Whilst this report could be addressed by way of condition, I refer to the fact that the basement is only partially below ground

level and the applicant has specifically addressed the issue in their Infrastructure Report under Section 4. 'Basement Impact Assessment'. I am satisfied that this is sufficient and no condition is necessary.

The issue of district heating is raised through Objective CA17 though there does not appear to be any proposal for such in this area at present, with reference made to the Docklands and Poolbeg only. I am satisfied that there is no requirement to condition this and that an adequate form of heating is proposed for this development. No Community Safety Statement has been provided and I am satisfied that this is not required due to the nature and layout of this development.

The one significant area of inconsistency is the failure to provide for Community, arts & culture space under objective CUO25. The applicant has referred to the draft Plan and the wording under CUO22 of the Plan at that time, which was similar to that of the adopted CUO25. At the time the applicant refers to the need for a mapping exercise to be undertaken by Dublin City Council and which would determine where such space should be provided. A justification for the non-provision of such space is set out in Sections 5.8 to 5.12 of the Material Contravention Statement. Simply, the provision of such space would reduce the number of residential units for which there is a demand for. The provision of such space would conflict with Section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016 as amended and would not allow for the provision of adequate housing. Also stated is evidence from 'the "Dublin City Cultural Infrastructure Study" produced as a background paper to the Draft City Development Plan, and which does not identify Northern Cross as an area with a deficit of community facilities or as a priority action area.'

This issue is addressed further in this report under Section 4.0 - Issue of Material Contravention/ Compliance with Objective CUO25 of the Dublin City Development Plan 2022 – 2028.

3.3. Density and Building Height

- 3.3.1. As the consideration of density and building height are inter-related, I consider it appropriate that they are assessed under the same heading, and there is significant cross referencing in the assessment. Appendix 3 – Achieving Sustainable Compact

Growth in the Development Plan provides the policy for both density and building height in the city. There were no third party observations submitted on this application and the Planning Authority recommended that permission be granted subject to conditions. Compliance with the Building Height Guidelines was demonstrated. The applicant in their Material Contravention Statement, gave some consideration to the proposed building heights giving rise to material contravention; but concluded that development could be permitted without giving rise to such concerns. I am satisfied that as there are no specified maximum heights in this SDRA, and the development demonstrates appropriate integration with the existing neighbourhood and character, the proposed heights are acceptable and do not give rise to a material contravention of the adopted Dublin City Development Plan 2022 – 2028.

Density:

- 3.3.2. The proposed 156 units on a site area of 0.76 hectares provides for a density of 205 units per hectare. The site is located adjacent to a high capacity/ frequency public transport corridor and for which further improvements are proposed. This density was considered in the original inspectors report to be acceptable and appropriate in this location.
- 3.3.3. Policy SC10 refers to the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (Cities, Towns and Villages) and which have been replaced with the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024). Table 3.1 of these guidelines identifies different development areas in the city, and I consider it appropriate to categorise the subject lands within the City-Urban Neighbourhoods area and which allows for a net density in the range of 50 dph to 250 dph. Such areas are highly accessible urban locations with good access to a range of services and I consider the subject site to be such a highly accessible location. The proposed development would also comply with Policy SC11 in promoting sustainable compact growth and densities through infill development in suitable locations.
- 3.3.4. I note 'Table 1: Density Ranges' of Appendix 3 of the Dublin City Development Plan and which provides for a net density of 100-250 units per hectare in SDRAs which the site is located within. At 205 units per hectare, this development is within the acceptable range and would not give rise to a material contravention of the

Development Plan, and as reported would also be compliant with the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024).

Height

- 3.3.5. Height: Two blocks are proposed, Block 10A ranges from eight to ten storeys and Block 10B ranges from ten to eleven storeys, with a maximum height of 41.1 m. Policies SC15 to SC17, in section 4.5.4 of the Development Plan, set out Dublin City Council's strategy and criteria when considering appropriate building heights, including reference to the performance-based criteria contained in Appendix 3 to the plan. Under Section 5.0 of the Development Plan, it states: 'Landmark/tall buildings are generally considered to be those that are substantially taller than their surroundings and cause a significant change to the skyline. They are typically buildings greater than 50 metres in height.' As reported, the proposed development will have a maximum height of 41.1 m, and it is located in an area where eight storey apartment blocks have been constructed. In terms of height, the development cannot be considered a landmark/ tall building. The development will result in the provision of two to three floors more than existing development in the area, however as per my original report, I consider this to be acceptable and the proposed development demonstrates compliance with Section 3.2 of the 'Urban Development and Building Height' guidelines.
- 3.3.6. As reported, the applicant did consider the issue of height as a material contravention of the Dublin City Development Plan 2016 – 2022 but concluded that the development was compliant with Building Height Guidelines and could be approved under the provision of SPPR 3. The adopted Dublin City Development Plan 2022 – 2028 does not specify maximum heights in this SDRA, and as the development demonstrates appropriate integration with the existing neighbourhood and character, the proposed heights are acceptable. I therefore consider that the proposed heights do not give rise to a material contravention of the Dublin City Development Plan 2022 – 2028.
- 3.3.7. The Development Plan under Section 4.0 – 'The Compact City – How to Achieve Sustainable Height and Density?' sets out requirements for developments that may be over the prevailing height context and in particular must demonstrate compliance

with performance criteria set out in Table 3 of the Development Plan. The SDRAs are identified as areas which should have regard to the guiding principles provided in Chapter 13 of the Development Plan. The potential for increased densities and height intensity along designated public transport corridors is stressed.

- 3.3.8. The following table considers the criteria in relation to enhanced height, density and scale in accordance with Table 3 of Appendix 3 of the Dublin City Development Plan 2022 – 2028.

Table 3: Demonstration of compliance with Appendix 3 of the Dublin City Development Plan

	Objective	Assessment
1	To promote development with a sense of place and character	<ul style="list-style-type: none"> • The northern cross area has been developed in accordance with a masterplan prepared in 2004 and updated in 2007. The overall lands are to be developed for mixed use and the subject site provides for residential development only, which is in keeping with a similar scale, height and type of development to the east. The building design is supported with the Architectural Design Statement. • The proposed development will provide for additional residential units in an area with a demand for such. Open space will benefit the greater area and permeability is designed into the development. • The location of the site is such that it is not easily visible from public roads and streets. The design of the blocks is of a good architectural quality and includes an appropriate mix of material types thereby providing for a distinctive design.

		<ul style="list-style-type: none"> • The overall site design promotes permeability within and to/ from the site. • The height and scale integrates with the existing constructed development to the east and provides for suitable separation, at approximately 100m, to the houses to the north of the site. • The variation in building height, elevational treatments and use of materials provides for an appropriate design. • Set backs are designed as an integrated architectural design feature and provide for a suitable stepped appearance to these blocks, ensuring integration with existing development in the area. <p>The subject site is not in a high profile location, but I am satisfied that the design, scale and height would ensure that it has a sense of place and character appropriate to its setting.</p>
2	To provide appropriate legibility	<ul style="list-style-type: none"> • The proposed development ensures that a strong building line is provided along its western boundary and that the northern elevation is appropriate to the existing treeline along the Mayne River. These are the key elevations for this site. • The layout and height of the proposed development is appropriate in the context of existing buildings in the area. <p>The proposed development will ensure the provision of appropriate legibility in this location.</p>

3	To provide appropriate continuity and enclosure of streets and spaces	<ul style="list-style-type: none"> • There is appropriate street frontage provided in the design of this development, especially to the west of the site. • The angling of the two blocks provides for good enclosure of the open space to the south, whilst ensuring that there is an architecturally interesting design incorporated into the layout. The northern elevation layout provides for enhanced passive surveillance of the lands to the north along the Mayne River. • The scale of development is considered to acceptable and has regard to the location of open space and green infrastructure in the form of the trees and Mayne River to the north of the site. <p>The proposed development has fully considered its location and ensures that the adjoining street/ road to the west and the lands to the north.</p>
4	To provide well connected, high quality and active public and communal spaces	<ul style="list-style-type: none"> • The proposed development encourages the use of sustainable forms of transport through the provision of high quality cycle parking, good permeability and a reduced car parking provision on site. • Site enclosure is appropriate to this site and has regard to the adjoining lands. • A Daylight and Sunlight Assessment has been provided in support of this development and no issues of concern arise.

		<ul style="list-style-type: none"> • Open space is provided to the south of the site and the layout of this scheme provides a form of enclosure through the angle of the two apartment blocks. • A Microclimate Impact Assessment was prepared in support of this development and no issues of concern were raised through this. Walkways and open space were all found to be suitable for proposed use. • No issues of concern arise in relation to people friendly streets, and which are fully accessible to all potential users. <p>The proposed development provides for high quality, accessible, useable public and communal spaces and the site is well connected with the existing development in this part of Northern Cross.</p>
5	To provide high quality, attractive and useable private spaces	<ul style="list-style-type: none"> • All units are provided with useable open space which is of a high quality. • The private open space is accessible for all potential users. • A Daylight and Sunlight Assessment has been provided in support of this development and no issues of concern arise. • A Microclimate Impact Assessment was prepared in support of this development and no issues of concern were raised through this. • Adequate separation distances are provided to the north and to the south, where a

		<p>concurrent, undecided, application under ABP Ref. 314408-22 is located. Existing privacy is protected.</p> <p>The proposed areas of open space are of a suitable quality and will meet the needs of residents of this development.</p>
6	To promote mix of use and diversity of activities	<ul style="list-style-type: none"> • This is an entirely residential development, however the justification for this is clearly set out in the supporting documentation. There is demand for residential units and the area is currently well serviced with commercial, retail, medical and childcare services. The site is also located in an area with a range of employment activities and is well serviced by public transport. • The proposal will integrate with the existing form of development in the area and will support existing services. • The scheme provides for a mix of one and two bedroom units. • The residential units can be revised to meet the needs of residents throughout their life. <p>The proposed development is acceptable in the context of its location and the nature of development undertaken in the Northern Cross area to date.</p>
7	To ensure high quality and environmentally sustainable buildings	<ul style="list-style-type: none"> • The proposed density and scale of development is appropriate in this location. Daylight, sunlight, privacy, ventilation and views are not adversely impacted by this scheme. • The development is located to the north west corner of the masterplan lands and is

		<p>appropriately located on site to ensure that there is minimal impact on passive solar gain.</p> <ul style="list-style-type: none"> • The unit design allows for adaptability over their life. • Roof level plant will not give rise to a negative visual impact. • 53% of the units are dual aspect. • Material finishes can be agreed with the Planning Authority by way of condition, however there is no reason to believe that low quality materials would be used here. • A Daylight and Sunlight Assessment has been provided in support of this development and no issues of concern arise. • SUDs will be provided in accordance with the GDSDS. • A Site Specific Flood Risk Assessment is provided in support of the development – site is located within Flood Zone C. • An Energy Strategy & BER Report has been provided in support of the development. <p>The proposed development will provide for a high quality layout and design of blocks which would be environmentally sustainable in terms of surface water management, energy use and ensure that residents would receive high quality sunlight and daylight to their units.</p>
8	To secure sustainable density, intensity at	<ul style="list-style-type: none"> • The scale and density of development is appropriate in this location where a range of

	locations of high accessibility	<p>public transport services are available as outlined in the original inspector's report and which provide for a good quality of frequency and capacity of service.</p> <ul style="list-style-type: none"> • The layout, height and scale of development is of a good quality, ensuring an appropriate density on site whilst ensuring the provision of high quality residential amenity, open space and set backs. Servicing and car parking are appropriately provided for without dominating the site. <p>I consider that the proposed development provides for an appropriate density having regard to the established character of the area and existing public transport provision.</p>
9	To protect historic environments from insensitive development	<p>There are no historic environments immediately adjacent to this site. I note that Belcamp House is located approximately 300 m to the north west, but the separation distance, existing trees and new residential development to the north of the subject site all ensure that its setting will not be adversely affected by this proposed development.</p>
10	To ensure appropriate management and maintenance	<p>Adequate supporting documentation is provided as per 3.2.17 of this addendum report. I am satisfied that the applicant has adequately considered all relevant management issues that may arise on this site.</p>

3.3.9. Having regard to the above Table 3, and the original Inspector's Report, I am satisfied that the proposed development would be acceptable in terms of building height, density and scale in the context of Table 3 of Appendix 3 of the Dublin City Development Plan 2022 – 2028.

3.3.10. Appendix 3 also provides a list of key criteria for developments with an increased urban scale and height, and which are to be demonstrated as follows:

- The potential contribution to the development of new homes, economic growth and regeneration in line with the compact urban growth principles set out in the NPF and Project Ireland 2040: 156 apartments in the form of one and two bedroom units are to be provided in an area with demand for such units.
- Proximity to high quality public transport connectivity, including key public transport interchanges or nodes: The site is located on an existing Quality Bus Corridor with a good service providing for a suitable capacity/ frequency for the area. Further improvements are proposed under the Bus Connects Core Bus Corridor and Revised Network schemes.
- Proximity to a range of employment, services and facilities: There is a range of employment opportunities available in the immediate and the north city areas. The adjoining Bewley's site, Baldoye Industrial Estate, Malahide Road Industrial Park and Dublin Airport are some of the local employment centres. Retail is available along the Malahide Road and Clare Hall to the south west. There is a range of medical, social and educational services in this part of the north city.
- Provision of adequate social and community infrastructure: Existing childcare is available within the Northern Cross Masterplan lands and the supporting Social and Community Audit identifies other such facilities in the immediate area.
- The availability of good walking, cycling and public transport infrastructure: The area is well served with existing footpaths and cycle provision is also made in the area. Public transport is primarily in the form of buses along the Malahide Road with additional services available to the front of Clare Hall shopping centre.
- Appropriate mix of uses, housing typologies and tenures: One and two bedroom units are proposed, and which are appropriate having regard to the character of the area and demand for housing of all tenure types.
- The provision of high quality public open space and public amenities: Adequate public, communal and private open space is provided on site to serve the residents of this development.
- The resilience of the location from a public access and egress perspective in the event of a major weather or emergency or other incidents: The site is well served

by roads and footpaths with access available to the south onto the R139 and to the east onto the Malahide Road/ R107.

- That the ecological and environmental sensitivities of the receiving environments have been adequately assessed and addressed: The submitted application is supported with an Appropriate Assessment Screening Report, Natura Impact Statement, Environmental Impact Assessment Screening Report and an Ecological Impact Assessment. I have updated the Appropriate Assessment to take account of the North West Irish Sea SPA which was not designated at the time of the original assessment of this development.
- Appropriate design response that considers the characteristics of the site, any development constraints and prevailing character: This was fully assessed in the original inspector's report and the proposed development was found to be of a suitably high quality and would integrate with the existing character of Northern Cross.
- Adequate infrastructural capacity: No issues were raised by Uisce Éireann relation to available foul drainage/ water supply capacity. Dublin City Council raised no issues in relation to infrastructure capacity.

Having full regard to the above points, provided as key criteria in the Dublin City Development Plan 2022 – 2028, I consider that the proposed development demonstrates compliance with these and is acceptable in terms of the provision of an increased urban scale and height on this site.

- 3.3.11. Policy SC17 and Appendix 3 require the provision of a masterplan for development sites in excess of 0.5 hectares. The subject lands are located within a SDRA, and the development has been proposed in the context of a masterplan. I am satisfied that the submitted development has been designed to ensure that it integrates with the established character of this area and adjoining lands.

Conclusion:

- 3.3.12. I am satisfied that the issue of height has been adequately addressed in the original Inspector's Report and this Addendum report has considered all issues in relation to height and density that arise from the Dublin City Development Plan 2022 – 2028. National Policy is to promote higher density in appropriate locations which would ensure that land use is undertaken in a sustainable and efficient manner, and which

would ensure that adequate services are provided to meet the needs of the population.

- 3.3.13. The proposed density at 205 units per hectare is appropriate in the context of the Compact Settlements Guidelines and the Dublin City Development Plan 2022 – 2028. Good quality public transport is available within walking distance and a range of retail, social, educational and medical services are available in the area.
- 3.3.14. As per Table 3 of this Addendum report, which considers the performance criteria of this development in terms of enhanced height, density and scale, it can be concluded that the proposed development performs well in the context of these provided criteria. The development would provide for an appropriate scaled, height and density of development, with a mix of unit types, in an existing urban area with good service provision and which will be supported with good quality amenity space, units that can be adapted for the needs of residents and which would not have an adverse impact on existing development in the adjoining area.
- 3.3.15. I am therefore satisfied that the proposed development demonstrates compliance with the policies and objectives of the Dublin City Development Plan 2022 – 2028 in terms of density and building height.

4.0 Issue of Material Contravention/ Compliance with Objective CUO25 of the Dublin City Development Plan 2022 – 2028:

- 4.1.1. The issue of Material Contravention arises in this case in respect of Objective CUO25 of the Dublin City Development Plan 2022 - 2028. In the case of a Strategic Housing Development (SHD), the Board may decide to materially contravene a development plan in accordance with Section 9(6) of the Planning and Development (Housing) and Residential Tenancies Act 2016, I have stated the relevant section here:

‘(6)(a) Subject to paragraph (b), the Board may decide to grant a permission for a proposed strategic housing development in respect of an application under section 4 even where the proposed development, or a part of it, contravenes materially the development plan or local area plan relating to the area concerned.

(b) The Board shall not grant permission under paragraph (a) where the proposed development, or a part of it, contravenes materially the development plan or local area plan relating to the area concerned, in relation to the zoning of the land.

(c) Where the proposed strategic housing development would materially contravene the development plan or local area plan, as the case may be, other than in relation to the zoning of the land, then the Board may only grant permission in accordance with paragraph (a) where it considers that, if section 37(2)(b) of the Act of 2000 were to apply, it would grant permission for the proposed development.'

Section 37(2)(b) states of the Planning and Development Act, 2000 as amended states:

'(2) (a) Subject to paragraph (b), the Board may in determining an appeal under this section decide to grant a permission even if the proposed development contravenes materially the development plan relating to the area of the planning authority to whose decision the appeal relates.

(b) Where a planning authority has decided to refuse permission on the grounds that a proposed development materially contravenes the development plan, the Board may only grant permission in accordance with paragraph (a) where it considers that—

(i) the proposed development is of strategic or national importance,

(ii) there are conflicting objectives in the development plan or the objectives are not clearly stated, insofar as the proposed development is concerned, or

(iii) permission for the proposed development should be granted having regard to regional spatial and economic strategy for the area, guidelines under section 28, policy directives under section 29, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government, or

(iv) permission for the proposed development should be granted having regard to the pattern of development, and permissions granted, in the area since the making of the development plan.

(c) Where the Board grants a permission in accordance with paragraph (b), the Board shall, in addition to the requirements of section 34(10), indicate in its decision the main reasons and considerations for contravening materially the development plan.'

4.1.2. I have set out Objective CUO25 here for the benefit of the Board:

'SDRAs and large Scale Developments

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

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

Objective CUO22 of the Draft Dublin City Development Plan stated the following:

'SDRAs and large Scale Developments

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

I have highlighted sections of difference between the two objectives and as can be seen, there are very few differences with the additional wording under CUO25 only

providing clarity on what elements of the objective seeks to achieve. I am satisfied that Objective CUO22 of the Draft Dublin City Development Plan and CUO25 of the adopted Dublin City Development Plan 2022 – 2028 are the same objective.

4.1.3. As the Development Plan states total area, the gross floor area of this development is 16,481 sq m (15. (c) of the SHD application form, and therefore a minimum total of 824 sq m of floor area would be required to comply with this objective. No community, art and cultural space have been provided by the applicant in this development and the failure to demonstrate compliance with this objective would result in a material contravention of the plan.

4.1.4. The applicant was aware of the potential for this objective to be adopted in the approved Development Plan and they addressed these issues under Section 5.0 'Draft Dublin City Development Plan 2022 – 2028' of their Material Contravention Statement. They make it clear that the 'SHD application is a wholly residential development and does not include any floorspace for community or cultural use.' A justification is provided under Sections 5.8 to 5.12, and I note the following in summary:

- A Cultural Infrastructure Study undertaken as part of the draft Development Plan process did not identify any shortfall in cultural facilities in the area.
- The provision of 5% of the floor area would reduce the number of residential units by approximately 10. Pillar 3 of Rebuilding Ireland – Action Plan identifies a need for housing to tackle homelessness and support the needs of a growing population.
- The development has been designed in accordance with the Apartment Guidelines 2020, and there is no requirement within these guidelines for such facilities.

The issue of material contravention was also raised in the public notices and as already reported, no observations were received in relation to this development.

4.1.5. As reported, the Board may decide to materially contravene a development plan in accordance with Section 9(6) of the Planning and Development (Housing) and Residential Tenancies Act 2016. Clearly the stated objectives are not complied with, and non-compliance would materially contravene the Dublin City Development Plan. I have considered the issues raised in the applicant's submitted Material

Contravention Statement; however, I do not recommend that the Board invoke the provisions of Section 37(2)(b) for the following reasons, assessed under the relevant part of this section of the act:

(i) The provision of housing whilst of local and county importance, is not considered to be of strategic or national importance in this context, and I am of the opinion that Section 37(2)(b)(i) does not apply. The site has not been identified as one of strategic importance nor has it been designated as a Strategic Development Zone (SDZ). However, it is noted that the site is located within one of the designated Strategic Development Regeneration Areas (SDRA): SDRA 1 – Clongriffin/ Belmayne and Environs. 17 SDRAs are designated within the Dublin City Development Plan 2022 – 2028 and are considered suitable for the delivering of significant quantities of homes and employment opportunities for the city. These are designed in accordance with the objectives of the National Planning Framework (NPF), specifically NPO5 and NPO6 and the Regional Spatial and Economic Strategy (RSES). In the case of SDRA 1, 'The overall vision of the lands is to facilitate a highly sustainable, mixed use neighbourhood, centred on key public transport interchanges, with a distinct identity and sense of place.' Table 2-8 of the Development Plan provides details on the 'Core Strategy and Settlement Hierarchy' and the Clongriffin/ Belmayne SDRA and Key Urban Village (KUV) provide for a Proposed Residential Yield of 6,950 – 7,350 and an estimated population of 14,700. The development of this site is of importance in terms of the development of the city and regional, but not of national importance.

I have provided my opinion on this section of the act and how it relates to this development, however the Board may take the view that this is of National strategic importance and may recommend a different decision.

(ii) I am satisfied that the objectives are clearly stated, with a clear intention to provide for community, arts and culture and artist workspaces for all developments in excess of 10,000 sq m in SDRAs. I am satisfied that the objectives do not conflict with other objectives within the Development Plan and Section 37(2)(b)(ii) does not apply.

(iii) Whilst the RSES seeks the provision of 7,500 units per annum within the metropolitan area (5.7 Housing Delivery), there is no specific reference to the provision of housing on this site having a strategic importance. Section 28 guidance supports the provision of residential development, nothing the Apartment Guidelines,

Building Height Guidelines and the Compact Settlement Guidelines. Whilst there is nothing in these guidelines that requires the provision of community, arts and culture and artist workspaces, there is also no requirement for housing to take precedence over the provision of such uses. Considering these points, Section 37(2)(b)(iii) does not therefore apply.

(iv) The development, as reported, would be appropriate having regard to the character of the area, however this section of the act only applies to development granted since the adoption of the relevant Development Plan. No development has been permitted on adjoining lands since the adoption of the Dublin City Development Plan 2022 – 2028. Section 37(2)(b)(iv) does not therefore apply.

- 4.1.6. The 2016 Act and the 2000 Act as amended, clearly set out the considerations that allow the Board to Materially Contravene a Development Plan for a SHD scheme. I am satisfied that the criteria are not met in this case. As the proposed development does not comply with Objective CUO25 of the Dublin City Development Plan 2022 – 2028, I recommend that permission be refused for the proposed development.

5.0 Compliance with relevant provisions of the Recent Planning Guidelines issued under Section 28 of the Planning and Development Act 2000 (as amended)

- 5.1. Since the completion of the original Inspector's Report, the following guidelines have been issued:

- Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, 2024. These replace the Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities, 2009 and which are referenced in the original Inspector's Report dated 24th November 2022. The guidelines include a number of SPPRs and I note SPPR 3 which seeks to minimise car parking for development in urban locations within the five cities of the country. I am satisfied that the car parking provision demonstrates compliance with this SPPR.
- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, 2023 replaced the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, DoHPLG,

2020 and which are referenced in the original Inspector's Report dated 24th November 2022. Floor areas, amenity space, floor to ceiling heights, and core to units' ratios are the same as previous and the development has demonstrated adequate compliance.

- 5.2. I am satisfied that the development is generally consistent with these guidelines where they relate to the proposed development. The proposed development was for an infill development on lands zoned for residential development in an established urban location to the north of Dublin City.

6.0 Other Issues

- 6.1. The following issues are relevant to the nature of the development/ planning environment and although they were not sought or referenced in the Board Direction, I consider it appropriate to include them here.

- Climate Action Plan 2024: The 2024 version replaced the 2021 Climate Action Plan which was included in the Board Order/ original Inspector's Report dated 24th November 2022. The proposed development provides for an efficient use of land through the provision of apartment units at an appropriate scale/ density to their surroundings on lands zoned for residential development on an infill site. The site is well served by public transport and the development supports the use of sustainable forms of travel. I therefore consider that the proposed Strategic Housing Development remains consistent with the broad theme of the 2024 Climate Action Plan.
- National Biodiversity Action Plan 2023 – 2030: This plan came into effect since the original Inspector's Report dated 24th November 2022. The subject site only provides negligible biodiversity value at present. The proposed development would provide for landscaped open spaces and additional tree planting therefore improving the range of habitats suitable for biodiversity.

7.0 Appropriate Assessment (AA)

- 7.1. AA was carried out in Section 11 of the original Inspector's Report dated 24th November 2022. A number of European sites were identified for consideration but did not include the North West Irish Sea SPA as this site was not so designated at

the time of assessment. I have therefore carried out an additional screening exercise in relation to this SPA and which I have included in Appendix 1 to this Addendum Report. This appendix should be read in conjunction with the original AA Screening carried out in the original Inspector's Report.

- 7.2. Further to my additional AA screening, in accordance with section 177U (5) of the Planning & Development Act, 2000 (as amended) and on the basis of objective information, I conclude that the proposed development would not have a likely significant effect on any European site either alone or in combination with other plans or projects. It is therefore determined that AA (stage 2) under section 177V of the Planning & Development Act, 2000 (as amended) is not required.

This conclusion is based on:

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

- 7.3. No measures intended to avoid or reduce harmful effects on European sites were taken into account in reaching this conclusion. I acknowledge that the North West Irish Sea SPA was not included for consideration in the AA Screening Report dated August 2022, but I am satisfied that the proposed development would not have a likely significant effect on this European designated site.

8.0 Conclusion

- 8.1. The Board received a planning application for a housing scheme under section 4(1) of the Planning & Development (Housing) Residential Tenancies Act (2016). This Addendum Report should be read in conjunction with the original Inspector's Report on file dated 24th November 2022.
- 8.2. I have considered the proposed development in the context of the current Dublin City Development Plan 2022 - 2028 and relevant updated guidance that has been introduced since the original IR was prepared, as required by Board Direction BD-017237-24 on the 14th of August 2024.

- 8.3. The primary issue for the assessment is the lack of compliance with objective CUO25 of the Dublin City Development Plan 2022 - 2028. The applicant addressed this through their Material Contravention Statement and although this refers to Objective CUO22 of the Draft Dublin City Development Plan, I am satisfied that the objectives are substantially the same in wording and meaning. There was no such objective in the Dublin City Development 2016 – 2022 and the issue did not arise at the time or for assessment in the original Inspector's Report.
- 8.4. Having considered this objective and the relevant legislation under Section 9(6) of the Planning and Development (Housing) and Residential Tenancies Act 2016 and 37(2)(b) of the Planning and Development Act 2000 as amended, a grant of permission in material contravention of the Dublin City Development Plan 2022 – 2028 would not be justified. I consider the development does not demonstrate that it should be permitted in accordance with any or all of sections (i) to (iv) of 37(2)(b). The proposed development materially contravenes Objective CUO25 of the Dublin City Development Plan 2022 – 2028 for failure to provide a minimum of 5% of the floor area for community, arts and culture spaces.
- 8.5. I consider that other issues that have arisen in this Addendum Report on foot of the Dublin City Development Plan 2022 - 2028 including an increase in the amount of fully functioning EV charging points from 10% to 50%, and an increase in the number of motorcycle parking spaces, can be addressed by way of compliance conditions and would not give rise to material contravention of the Dublin City Development Plan 2022 – 2028.
- 8.6. I consider that the proposed development remains consistent with relevant updated section 28 guidance i.e. Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities, 2024 and the Sustainable Urban Housing: Design Standards for New Apartments, 2023.
- 8.7. This conclusion should be read in conjunction with both the original IR dated 24th November 2022 and the other sections of this Addendum Report.

9.0 Recommendation

- 9.1. Having regard to the above and to the content of the original Inspector's report dated 24th of November 2022, I recommend that permission be refused for the reason set out below.

10.0 Reasons for Refusal

1. Objective CUO25 of the Dublin City Development Plan 2022 – 2028 requires that large scale developments over 10,000 sq m must provide at a minimum for 5% community, arts and culture spaces as part of the development. The proposed development does not provide for any such floor area, even though it provides for an area in excess of 16,000 sq m. The proposed development, therefore, would materially contravene Objective CUO25 of the Dublin City Development Plan 2022 – 2028 and would be contrary to the proper planning and sustainable development of the area.

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

Paul O'Brien

Inspectorate

23rd December 2024

Appendix 1

Appropriate Assessment (AA) Stage 1

As set out in section 7.0, AA screening has already been carried out in the original Inspector's Report dated 24th November 2022 for South Dublin Bay SAC, North Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA, and North Bull Island SPA. This appendix relates solely to AA screening in the context of North West Irish Sea SPA (site code 004236) which was designated after the planning application was lodged and the original IR dated 24th November 2022 was prepared.

Appropriate Assessment Stage 1 – Screening Determination
Description of the project I have considered the proposed development in light of the requirements of section 177U of the Planning & Development Act, 2000 (as amended). <u>Subject site</u> The subject site was previously in use as a surface car park/ construction compound, secured with fencing and was in use during the construction of other phases of the Northern Cross mixed use development. The site is located to the northern end of an internal access road, within the Northern Cross development to the west of the Malahide Road, and to the north of Dublin City. There is no indication that the site has been used recently for any purpose. <u>Proposed development</u> It is proposed to construct 156 apartments, in two blocks ranging in height from eight to eleven storeys and all associated car/ bicycle parking, open space and all associated site works. Wastewater is to be discharged to the existing public system. Surface water from the site discharges via the public network towards the Malahide Road and eventually discharges to the Mayne River. The river outfalls to the marine environment. North West Irish Sea SPA is approx. 4.6 km to the east of the site. The River Mayne flows into the sea at Baldoyle Estuary which is located to the west and adjoins the North West Irish Seas SPA. Baldoyle Bay is a SPA (Site Code

004016). The River Mayne is located approximately 30 m to the north of the subject site.

Submissions and observations

No observations were received in relation to this development or specifically with AA. None of the prescribed bodies raised any issues in relation to AA and the DCC's Chief Executive's Report dated 6th of October 2022 states, in relation to AA, that it is a matter for the Board to consider, as the competent authority for the application.

Potential impact mechanisms from the project

Site surveys

The AA Screening Report submitted with the planning application states that site surveys were undertaken in September 2021 and in June 2022. The dominant uses on site were artificial surfaces in the form of hard standing associated with the surface carparking, which prior to that was a greenfield in use for agricultural purposes. There is a limited strip of mixed woodland located towards the northern part of the site, and which extends for a significant length along the Mayne River corridor. Further to my site inspection, most recently on the 20th of November 2024, I am satisfied that the habitat survey continues to reflect the site conditions.

European sites

Table 1 of the applicant's AA Screening Report identified 18 European sites within a precautionary 15 km zone of interest (ZoI). Table 2 provides a list of the 'Relevant European sites, reasons for designation, and screening overview. Two of these were considered to have a relevant source-pathway-receptor link – Baldoyle Bay SPA (Site Code 000199) and Baldoyle Bay SAC (004016).

The North West Irish Sea SPA was not considered in the submitted AA Screening Report, or in the original Inspector's Report dated 24th November 2022, because it was not designated until 2023.

Effect mechanisms

I consider that the only possible effect mechanisms to North West Irish Sea SPA are those identified in the AA Screening, there is potential, though low, for contaminated water originating from the development site to enter Baldoyle Bay system via the

Mayne River, during the construction (Effect Mechanism A) and operational phases (Effect Mechanism B) of the proposed development.

The site does not provide ex-situ habitat for the special conservation interest species of the SPA.

European sites at risk

As previously set out, this AA screening only considers North West Irish Sea SPA as all other European sites were included in the AA screening carried out in the original Inspector's Report dated 24th November 2022).

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

Effect mechanism	Impact pathway	European site	SCI features at risk
A) Surface water pollution during construction phase	Indirect impact via a hydrological pathway	North West Irish Sea SPA (site code 004236)	Red-Throated Diver [[A001]
B) Surface water pollution during the operational phase	Indirect impact via a hydrological pathway		Great Northern Diver [A003] Fulmar [A009] Manx Shearwater [A013] Cormorant [A017] Shag [A018] Common Scoter [A065] Little Gull [A177] Black-Headed Gull [A179] Common Gull [A182] Lesser Black-Backed Gull [A183] Herring Gull [A184] Great Black-Backed Gull [A187] Kittiwake [A188] Roseate Tern [A192] Common Tern [A193]

			Arctic Tern [A194] Little Tern [A195] Guillemot [A199] Razorbill [A200] Puffin [A204]
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The North-west Irish Sea candidate SPA is an important resource for marine birds. This SPA extends offshore along the coasts of counties Louth, Meath and Dublin, and is approximately 2,333 sq km in area. It is ecologically connected to several existing SPAs providing supporting habitat for foraging and other maintenance behaviours for seabirds that breed at colonies on the north-west Irish Sea's islands and coastal headlands, and for seabirds outside of the breeding period also. The site is designated for 21 marine bird species including non-breeding and breeding populations.

The non-breeding species include Red throated Diver, Great northern Diver, Common Scoter, Black headed gull, common Gull Great Black-backed Gull, and Little Gull.

Breeding seabirds include: Fulmar, Manx Shearwater, Cormorant, Shag, Lesser Black-backed Gull, Herring Gull, Kittiwake, Roseate Tern, Common Tern, Artic Tern, Little Tern, Guillemot, Razorbill, Puffin.

Conservation objectives to main or restore favourable conservation condition for these species is defined by the following targets:

- Population trends are stable or increasing / no significant decline
- **Spatial distribution:** Sufficient number of locations, area, and availability (in terms of timing and intensity of use) of suitable habitat to support the population
- **Forage distribution extent and abundance:** Sufficient number of locations, area of suitable habitat and available forage biomass to support the population target
- **Disturbance** across the site: The intensity, frequency, timing and duration of disturbance occurs at levels that do not significantly impact the achievement of targets for population size and spatial distribution

- The number, location, shape and area of **barriers** do not significantly impact the site population's access to the SPA or other ecologically important sites outside the SPA.

Likely significant effects on the European site 'alone'

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

European site and qualifying features (North West Irish Sea SPA)	Conservation objectives	Could the conservation objectives be undermined (Y/N)?	
		Effect A	Effect B
Red-Throated Diver [[A001] Great Northern Diver [A003] Fulmar [A009] Manx Shearwater [A013] Cormorant [A017] Shag [A018] Common Scoter [A065] Little Gull [A177] Black-Headed Gull [A179] Common Gull [A182] Lesser Black-Backed Gull [A183] Herring Gull [A184] Great Black-Backed Gull [A187] Kittiwake [A188] Roseate Tern [A192] Common Tern [A193] Arctic Tern [A194] Little Tern [A195]	15 SCIs have, as their conservation objective, to maintain its favourable conservation objective: A001, A003, A013, A065, A177, A179, A182, A183, A187, A192, A193, A194, A195, A199, and A200. Six SCIs have, as their conservation objective, to restore its favourable conservation objective: A009, A017, A018, A184, A188, and A204.	N	N

Guillemot [A199]			
Razorbill [A200]			
Puffin [A204]			

Effect Mechanism A (surface water pollution during construction phase)

In terms of hydrological connectivity through the Mayne River, it is approximately 4.7 km to the European site and the possibility of any impact on North West Irish Sea SPA from surface water discharge from the site is not at all likely. Mitigation measures, in the form of standard construction measures, are proposed to protect Baldoyle Bay SAC and SPA and considering that the North West Irish Sea SPA is to the east of these designated areas, there is no uncertainty over effects on the status of this SPA.

Effect Mechanism B (surface water pollution during operational phase)

As with the construction phase, in terms of hydrological connectivity through the Mayne River, it is approximately 4.7 km to the European site and the possibility of any impact on North West Irish Sea SPA from surface water discharge from the site during the operational phase is not at all likely. Mitigation measures, in the form of standard construction measures, are proposed to protect Baldoyle Bay SAC and SPA and considering that the North West Irish Sea SPA is to the east of these designated areas, there is no uncertainty over effects on the status of this SPA.

In considering the potential for significant effects on the North-west Irish Sea candidate SPA, based on objective information provided I am satisfied the proposed development would not result in impacts of such magnitude that could undermine the conservation objectives set for this site. Notwithstanding that there is some uncertainty/ that potential for significant effects cannot be excluded for Baldoyle Bay due to construction and operational related pollution risks, any such risk in the marine environment would be rapidly dispersed and diluted to non-significant levels. The development would not result in impacts that could affect population trends, cause disturbance of birds in the marine environment, their spatial

distribution, forage distribution and abundance or cause barriers to access to the SPA or other ecologically important sites outside the SPA.

Conclusion

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

Overall Conclusion – Screening Determination

In accordance with section 177U (5) of the Planning & Development Act, 2000 (as amended) and on the basis of objective information, further to and in conjunction with the AA screening carried out in the original IR dated 24th November 2022, I conclude that the proposed development would not have a likely significant effect on any European site either alone or in combination with other plans or projects. It is therefore determined that AA (stage 2) under section 177V of the Planning & Development Act, 2000 (as amended) is not required.

This conclusion is based on:

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

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