Inspector's Report

ABP-314429-22

Development	Residential development of 98 apartments and all associated site works.
Location	Frascati Centre, Frascati Road, Blackrock, Co. Dublin.
Planning Authority	Dun Laoghaire Rathdown County Council.
Planning Authority Reg. Ref.	D21A/0996.
Applicant(s)	IMRF II Frascati Limited Partnership.
Type of Application	Permission.
Planning Authority Decision	Grant Permission with Conditions.
Type of Appeal	Third Party versus Permission.
Appellant(s)	1. Mary Brennan 2. Martin Farrelly and Eithne O'Dea 3. Dairine Walsh
Observer(s)	1. Nuala Kelly 2. David Corrigan

3. Niav Lennon and Philip smith
4. Frascati Park Residents Association

Date of Site Inspection	4 May 2023.
Inspector	Stephen Rhys Thomas.

Contents

1.0 Site Location and Description

1.1. The site relates to the Frascati Centre, Frascati Road, Blackrock, County Dublin. The retail centre on the site dates from the 1980's and has undergone major redevelopment. The original shopping centre is located centrally within the site and was previously surrounded by surface car parking. A recent two storey over lower ground level retail extension to the north east of the shopping centre provides direct frontage onto Frascati Road (PA Ref. D14A/0134 as amended). In 2019, An Bord Pleanála granted permission for three residential levels over the retail extension and external works are complete and some units are occupied at the time of site inspection (ABP-300745-18). In addition, there is a recently constructed three level decked car park to the north west of the original centre that is now operational. Outside of the existing and permitted developments, the site is given over to surface car parking and circulation at the periphery. There is a mix of wide and narrow grass verges with tree planting along the perimeter of the car parking and circulation areas. The initial permission for the alteration and extension of the shopping centre included public realm work along the Frascati Road which are now complete.

1.2. The overall site has direct frontage onto Frascati Road and is surrounded on all other sides by residential development of between two and four storeys. The site is bound by the Frascati Road to the north-east; the rear of two storey residential properties on George's Avenue to the south-east; the rear of two storey residential properties on Frascati Park to the west and south-west and by a bungalow; the four storey Lisalea Apartments to the north and an adjacent terrace of 2 storey over basement houses on Mount Merrion Avenue to the north-west. On the opposite side of the Frascati Road the Blackrock Shopping Centre has undergone redevelopment and there are a number of contemporary office blocks of up to 5 storeys along the Frascati Road frontage. The historic village of Blackrock is beyond this. The overall site exhibits a higher ground level than adjacent areas to the north, and there are slight level changes across the site.

1.3. The proposed works are located on the southern section of the overall Frascati lands and are labelled as Phase 3 on drawings. Phase 3 will comprise the development of 98 apartments over part of the shopping centre and this will involve demolition and amendments to ground floor units. Hence the new apartment units will be

constructed over the existing ground plate of the shopping centre to the rear of houses along George's Avenue and Frascati Park. All other changes and amendments to the shopping centre occur at ground level at this southern section of the overall site.

2.0 **Proposed Development**

2.1. Permission is sought for:

98 apartments in a U-shaped block, comprising:

- 5 studio apartments (5.5%)
- 42 one bed apartment units (42.5%)
- 51 two beds apartment units (51%)

Heights range from part two to part six storeys above the existing ground floor level and surface car park of the Centre, overall finished heights will range from 3 to 7 storeys.

The proposal includes other works to facilitate the 98 apartment units and these works include:

1. Shopping Centre Demolition of 2,405 sq.m of floorspace at ground, first and second floor level including part of Anchor Unit 1.
2. Alteration works to and reinstatement of Units G28 and G29.
3. Alterations to the existing access road, that include traffic calming measures, and a residential entrance from the south-east of the Centre.
4. At ground floor level, provision of a reception/concierge area, postal rooms, bin storage, and a secure bicycle storage area of 152 spaces.
5. A residential communal amenity area is proposed at first floor level.
6. A communal courtyard area is proposed at first floor level and communal roof terraces are proposed at third and fifth floor level.
7. Access to the residential units is via stair/lift cores to external walkways fronting the communal courtyard.

8. Balconies are provided to all apartments and are located on the south-western, south-eastern, north-western and internal courtyard elevations.
9. Allocation of 58 no. car parking spaces and 3 no. motorcycle spaces for the proposed residential units within the podium car park level to the northern portion of the Centre lands. Access from the allocated car parking at podium level is provided via a raised pedestrian walkway to a residential stair / lift core which connects to the external walkways fronting the communal courtyard.
10. Alterations, removal and addition of parking spaces within the existing surface car park to the rear of the Centre, including extension into the former garden centre area, with a loss of 19 existing surface car parking spaces to accommodate the two new stair and lift cores, ESB substation, structure for the residential development above and the revised access road layout required to facilitate Phase 3 residential development.
11. Provision of 22 motorcycle parking spaces within the surface car park area for the Centre and 20 visitor cycle spaces2.

2.2. The proposed development was subject of a Further Information (FI) request from the Planning Authority and has resulted in:

A revised proposal for 82 units and a unit mix in compliance with the DLR Development Plan 2022-2028.

- Units A5002 and A5001 changed to studio accommodation, to allow a set back of 6.4 metres at fifth floor level.
- Units C6001 to C6004 at sixth floor level omitted,
- Unit C4001 omitted to provide a set back of 1 metre at fifth floor level.

Unit mix now: 10 studio apartment units (12%), 13 one bed apartment units (16%), 43 two bed apartment units (52%) and 16 three bed apartment units (20%).

A childcare facility will be provided in the former retail unit G28 (140 sqm and accommodate 30 children).

Balcony screening up to 1.7 metres has been applied to units and a greened screening system of 2.2 metres in height is applied to the walkway.

Car Parking provision reduced to 53 allocated spaces.

The changes to the initial proposal have resulted in a development with an overall height of seven storeys (up to 24 metres in height) with the top floor set back.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The Planning Authority decided to grant permission subject to 20 conditions. Nearly all conditions are of a standard or technical nature and some relate to development contributions, including a special levy with regard to public open space provision. Condition 2 refers to the reservation of unit G18 for childcare purposes.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The basis of the planning authority decision includes:

Report 1

- Planning history, site description and land use zoning.
- Principle of development – the site is located on lands zoned DC and A, subject to accordance with relevant objectives and the transitional nature of the site, the proposal is acceptable. The retention of some retail function is noted. A childcare facility should form a part of the proposed development, further information should be requested to explore the possibility of the provision of same.
- Residential density at 69 units per hectare across the entire site, is acceptable given the location of the site to town centre services and public transport.
- Building height and urban form generally accord with the objectives contained within the County Development Plan and Blackrock LAP. Where there are departures from the statutory plan, the design response is acceptable and complies with the criteria set out by section 3.2 of the Building Height Guidelines. However, some further detail is required in relation to residential amenities. No specific issues are of concern with regard to the urban form of the overall proposal.

- Residential amenities associated with nearby residences will not be impacted by an overbearing appearance because of the considered design of the apartment building addition. However, the lift/stair core structure will be visually intrusive and should be redesigned. Overshadowing of adjacent private amenity spaces will not occur and there will be no loss of daylight to dwellings. Louvre screening will be provided to balconies in order to limit overlooking of nearby homes, an increase in height of screening to 1.7 metres is requested. An illustration of screening to the elevated walkway is also required.
- The amenity associated with the proposed apartments meet or exceed the requirements contained in the Apartment Guidelines and are therefore acceptable.
- Communal open space amenity is acceptable, conditions are recommended.
- Drainage proposals are acceptable.
- The traffic and transport element of the proposal is broadly acceptable, conditions are recommended.
- The Part V element of the proposal can be addressed by condition.
- The submission of an EIAR is noted and items of further information are requested. The examination of the EIAR was carried out by external consultants.
- Appropriate Assessment, despite the preparation of an AA screening report that screened the development out, the planning authority (external consultant) requested the submission of further information.
- The recommendation of the planning authority was to request further information in relation to the provision of a childcare facility, omit unit A5002 to improve visual amenity, redesign lift/stair core, omit two units in order to create a greater set back, amend walkway and other screening to remove overlooking, landscape, updates to the EIAR and an updated AA Screening Report.

Report 2

- All planning issues (childcare, overlooking and general design) in relation to the development have been considered acceptable.
- Matters that concerned the completeness of the EIAR have been addressed and the AA Screening Report is now complete and it is agreed that an NIS is not required. The recommendation of the planning authority is to grant permission subject to conditions.

3.2.2. Other Technical Reports

Drainage Planning – no objections subject to conditions.

Transportation Planning – no objections subject to conditions.

Housing Department - no objections subject to conditions.

Parks and Landscape Services – FI required.

Environmental Enforcement Section – no objections subject to conditions.

Public Lighting Section - no objections subject to conditions.

Biodiversity Officer – Subsequent to the submission of FI, proposal acceptable, no objections.

3.3. Prescribed Bodies

3.3.1. None located on file.

3.4. Third Party Observations

3.4.1. 15 initial submissions and 4 further submissions were received during the planning application process, issues included: zoning, loss of retail space, excessive building height will result in overlooking, overbearing and overshadowing, limited separation distances, noise and dust nuisance during a long spell of construction activity and loss of car parking were all raised and have been reiterated in the grounds of appeal.

4.0 Planning History

4.1. Subject Site:

4.1.1. The planning report prepared by the planning authority lists all planning applications that refer to the site. There have been numerous planning applications on this site

that concern changes to retail uses and other minor amendments, relevant planning applications include:

PA Ref. D14A/0134: Permission granted for part demolition, extension and alteration to the existing shopping centre to the north-east and north-west of the existing building. The approved development provided for the expansion of retail, retail services, restaurant/café and ancillary floor space at lower ground, ground, first and second floor levels and the provision of car parking at lower ground and podium levels in the north-east and north-west parts of the site. The extension structure is a part two/part three storey building over existing lower ground (basement) level. The development included a new landscaped open space area to the north-east of the rejuvenated shopping centre adjacent to Frascati Road. The proposal also involved the realignment of the existing Priory Stream culvert which passes under the north-west car park, diversion of watermains, roof mounted screened plant area and 2 no. loading bays. The proposal provides for road improvement works to Frascati Road. These included the reconfiguration of the existing site access from Frascati Road (N31) adjacent to George's Avenue, including the closure of the existing site exit at this location. The reconfiguration of the existing site access at the traffic light intersection on Frascati Road opposite Rock Hill and adjacent Rock Road/Mount Merrion Avenue, including a new right turn into the site for southbound traffic on Frascati Road, a new straight movement exit to Rock Hill and a new right turning exit for southbound traffic exiting the site, including modifications to traffic islands to facilitate the revised arrangements. The development includes associated revisions to traffic circulation within the application site including the provision of ticket machines and barriers to facilitate pay on foot parking facilities.

This permission was amended by subsequent permissions under Reg. Ref. D15A/0751, D16A/0065, D16A/0235 and ABP Ref. PL06D.246810, Reg. Ref. D16A/0798, Reg. Ref. D16A/0843, Reg. Ref. D17A/0599, D18A/0130 and D18A/0605. Other minor permissions have been granted for alterations to units within the existing shopping and for signage. EIAR Appendix 2.1 details relevant planning history.

PA Ref. D17A/0950 and ABP Ref. ABP-300745-18: Permission granted by Dun Laoghaire-Rathdown and subsequently by the Board on Appeal, for 45 no. apartment units, over three storeys, from second to fourth floor level and over the

permitted ground and first floor retail / restaurant floorspace and lower ground floor car park to the north east of the original centre, as approved under PA Reg. Ref. D14A/0134. The access to the permitted residential units is via a stair and lift core from lower ground and ground floor level. A total of 51 number car parking spaces within the lower ground floor car park and 54 no. bicycle spaces located at lower ground floor level and first floor podium were allocated to the residential units. The permitted development included a bin store and plant area at lower ground level, two communal terraces at second floor level and roof level and plant enclosures at roof level. The scheme included a reduction in the permitted footprint of the lower ground floor level and omission of a second floor level restaurant unit and storage floorspace permitted under the parent permission. The development included a first floor level podium car park, over permitted car park, located at the north-west of the site, providing 81 no. car parking spaces. Total car parking provision for the scheme amended to 604 spaces, comprising 51 spaces for the residential units and 553 spaces for the retail and restaurant floorspace.

ABP-308046-20 (Strategic Housing Development) – **Permission** for alterations to Phase 1 permission for 45 no. apartments from second to fourth floor permitted under Reg.Ref: D17A/0950 and ABP-300745-18. **Refusal** of permission to include the provision of 57 no. additional apartments as an extension to Phase 1, single reason as follows:

> *The Board considers that the proposed development would seriously injure the residential amenities and depreciate the value of neighbouring residential properties to the north of the Lisalea development by reason of significant daylight and sunlight impacts, coupled with the overbearance impacts that would arise from the height and scale of the proposed Block E and its close proximity to the neighbouring properties in the Lisalea development. Furthermore, the, Board considers that the proposed development would seriously injure the residential amenities and depreciate the value of the neighbouring residential properties to the west by reason of overbearance impacts, arising from the height and scale and massing of the proposed Blocks D and F and the close proximity of these blocks to neighbouring residential properties in Frascati Park to the west. The proposed development would,*

therefore, be contrary to the proper planning and sustainable development of the area.

ABP-313240-22 - 41 apartments above the podium car park. Alterations to elements of Phase 1 previously granted permission under ABP-300745-18, planning register refence D17A/0950. No decision.

5.0 Policy Context

5.1. Development Plan

Dun Laoghaire-Rathdown County Development Plan 2022-2028

The majority of the site is located on land that is subject to zoning objective DC, the objective of which is to protect, provide for and/or improve mixed-use district centre facilities. A small portion of the site towards the north west is situated on lands zoned A, the objective of which is to provide residential development and improve residential amenity while protecting the existing residential amenities. Residential use is permitted in principle on lands zoned DC and zoned A.

The following chapters of the development plan include, policies and objectives that relate to housing and include:

Chapter 4 Neighbourhood - People, Homes and Place.

Chapter 5 Transport and Mobility.

Chapter 7 Towns, Villages and Retail Development

Chapter 12 Development Management.

Appendix 3- Development Management Thresholds.

5.2. **Blackrock Local Area Plan 2015** (extended to 2025)

Chapter 2 Heritage and Conservation: Objective PS1: The PA will seek to safeguard the character and setting of a Protected Structure through appropriate control of the design of new development in the vicinity.

Chapter 3 Urban Structure and Character sets out urban design principles for the area. Policy BK03 seeks to ensure that Blackrock develops a coherent urban form focused on a high quality building environment of distinct character and function.

Objective DN1 seeks to promote an efficient use of land that strengthens the existing urban structure of Blackrock and compliments the character of the area. Policy BK05 seeks to ensure that building height within future developments make a positive contribution to the built form of the area and do not adversely impact on local amenity. Map 12 illustrates a maximum height of 5 storeys within the subject site with height graduation to 2 storeys at the south eastern, south western and western edges of the site. Objective UDS1 is to strengthen the urban structure of Blackrock by ensuring that any new development incorporates a coherent, legible and permeable urban form that protects and compliments the character of the street or area in which it is set – in terms of proportion, enclosure, building line, design and by the marrying of new modern architecture with historic structures.

Chapter 4 movement includes objective relating to the upgrade of the road network in the area. Maps 13A and 13B - 'Transport Network Strategy' includes map based objectives.

5.3. National and Regional Policy

5.3.1. National Planning Framework 2018-2040

National Strategic Outcome 1, Compact Growth, recognises the need to deliver a greater proportion of residential development within existing built-up areas. Activating these strategic areas and achieving effective density and consolidation, rather than urban sprawl is a top priority. A preferred approach would be compact development focussed on reusing previously developed, 'brownfield' land.

Objective 2a targets half of future population growth in the existing five Cities and their suburbs.

Objective 3a seeks to deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements, while Objective 3b further seeks to deliver at least half (50%) of all new homes targeted in the five Cities and suburbs, within their existing built-up footprints.

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

Objective 35 seeks to increase residential density in settlements, through measures including infill development schemes, area or site-based regeneration and increased building height.

5.3.2. **Housing for All - a New Housing Plan for Ireland** (September 2021)

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

The overall objective is that every citizen in the State should have access to good quality homes:

- to purchase or rent at an affordable price
- built to a high standard and in the right place
- offering a high quality of life

5.3.3. **Rebuilding Ireland: Action Plan for Housing and Homelessness**

The plan identifies five pillars for action. Pillar 3: Build More Homes, seeks to increase the output of private housing to meet demand at affordable prices.

The key action is to double housing output over the Plan period aided by measures including infrastructural funding through the Local Infrastructure Housing Activation Fund (LIHAF).

5.3.4. **Regional Spatial and Economic Strategy for the Eastern and Midland Region (2019)**

The Strategy supports the implementation of Project Ireland 2040 and the National Planning Framework (NPF).

RPO 3.2 promotes compact urban growth and targets at least 50% of all new homes to be built, to be within or contiguous to the existing built-up area of Dublin city and suburbs and a target of at least 30% for other urban areas.

RPO 3.3 notes that Local authorities shall, in their core strategies, identify regeneration areas within existing urban settlements and set out specific objectives relating to the delivery of development on urban infill and brownfield regeneration sites and provide for increased densities as set out in the national policy.

Regional Policy Objective 4.3. supports the consolidation and re-intensification of infill/brownfield sites to provide high density and people intensive uses within the existing built-up area and ensure that the development of future development areas is co-ordinated with the delivery of key water infrastructure and public transport.

The site lies within the Dublin Metropolitan Area (DMA). The aim of the Dublin Metropolitan Area Strategic Plan is to deliver strategic development areas to ensure a steady supply of serviced development lands to support sustainable growth.

Section 5.3 identifies guiding principles for development of the MASP area including:

> Compact sustainable growth and accelerated housing delivery – To promote sustainable consolidated growth of the Metropolitan Area, including brownfield and infill development, to achieve a target to 50% of all new homes within or contiguous to the built-up area of Dublin City and suburbs, and at least 30% in other settlements. To support a steady supply of sites and to accelerate housing supply in order to achieve higher densities in urban built up areas, supported by improved services and public transport.

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

5.3.5. **Transport Strategy for the Greater Dublin Area 2016-2035**

The Transport Strategy for the Greater Dublin Area 2016-2035 provides a framework for the planning and delivery of transport infrastructure and services in the Greater Dublin Area (GDA). It also provides a transport planning policy around which other agencies involved in land use planning, environmental protection, and delivery of other infrastructure such as housing, water and power, can align their investment priorities.

The Strategy sets out the necessary transport provision, for the period up to 2035, to achieve the above objective for the region, and to deliver the objectives of existing national transport policy, including in particular the mode share target of a maximum

of 45% of car-based work commuting established under in “Smarter Travel – A Sustainable Transport Future”.

5.3.6. **Section 28 Ministerial Guidelines**

Having considered the nature of the appeal, the receiving environment, and the documentation on file, I am of the opinion that the directly relevant Section 28 Ministerial Guidelines are:

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, including the associated Urban Design Manual (2009) (the ‘Sustainable Residential Development Guidelines’).
- Design Manual for Urban Roads and Streets (DMURS) (2019).
- The Planning System and Flood Risk Management (including the associated Technical Appendices) (2009).
- Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2022) (the ‘Apartment Guidelines’).
- Urban Development and Building Height, Guidelines for Planning Authorities (2018) (the ‘Building Height Guidelines’).
- Childcare Facilities – Guidelines for Planning Authorities 2001 and Circular PL3/2016 – Childcare facilities operating under the Early Childhood Care and Education (ECCE) Scheme.
- The Regulation of Commercial Institutional Investment in Housing May 2021 Guidelines for Planning Authorities

  Other relevant national guidelines include:

- Carrying out Environmental Impact Assessment, Guidelines for Planning Authorities, August 2018; and
- Appropriate Assessment of Plans and Projects, Guidelines for Planning Authorities, February 2010.
- Framework and Principles for the Protection of the Archaeological Heritage Department of Arts, Heritage, Gaeltacht and the Islands 1999.

- Architectural Heritage Protection – Guidelines for Planning Authorities (DEHLG) and Shaping the Future – Case Studies in Adaptation and Reuse in Historic Urban Environments (DAHG) 2012.

5.4. Natural Heritage Designations

5.4.1. The site is not located within any European sites. The closest European sites are the South Dublin Bay SAC, North Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA and North Bull Island SPA. The proposed development was subject to an Appropriate Assessment Screening Report which concluded that having regard to the nature, scale and location of the proposed development, the QIs and COs of designated sites, and the lack of potential for in-combination effects arising, the need for Appropriate Assessment could be ruled out.

5.5. EIA Screening

5.5.1. The development proposal for 98 apartment units is accompanied by an EIAR based upon the principle of Class 13(a) that would result in an increase in the size greater than 25 percent, or an amount equal to 50 percent of the appropriate threshold, whichever is the greater. A full assessment of the EIAR that has been completed and follows under section 9.0 of my report.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. Three third party appeals were submitted and the appellants include: Dairine Walsh of 71 George's Avenue, Martin Farrelly and Eithne O'Dea of 32 Frascati Park, and Mary Brennan of 12 Frascati Park. The grounds of appeal can be summarised as follows:

- The proposed development of up to 7 storeys is a material contravention of the height restrictions for the area. The bulk and scale of the development is out of character with existing heights and is a gross overdevelopment of the site. The result will be a development that is overbearing and obtrusive. The applicant has misinterpreted the Blackrock LAP, five storeys are permitted in this area not six to seven.
- The zoning does not support such a high density of development.

- The proposed height is a material contravention of the development plan height strategy for the area and ignores the transitional zone status of the site. The development does not meet the criteria set out in the plan to allow for an exceedance of height, the development will still be overbearing, housing demand is not such to require the unit mix planned for and the scheme has no architectural quality.
- Separation distances to boundaries would contravene the plan for the area.
- The proposed development is a form of site splitting and should be considered in tandem with a previous permission for 45 apartment units and other applications on the site.
- The proposed development fails to address the policies and objectives of the current development plan 2022-2028.
- Not enough public open space has been provided.
- There will be a loss of privacy and sunlight/daylight to existing residential properties George's Avenue and most likely other property in the area. Specifically, units B1001, B2001 and B3001 present full length windows that will directly overlook rear gardens 20 metres away, screening should be applied to these windows too.
- With reference to the EIAR, there will be significant impacts from noise and dust arsing from the construction phase of development. Residents have already endured a very long construction period and this will continue if permitted.
- Proposed landscaping will be entirely inadequate and not protect residential property. Trees will be removed and not replaced.
- Due to a slight change in plans submitted to the planning authority, it is noted that roof areas could be accessed and used as communal spaces, this would not be acceptable.
- Light pollution will inevitably result from the development.
- Property values will be adversely affected.

- The applicant has engaged with local residents, but the method of engagement is criticised.

The appeals are augmented by diagrams and extracts from plans/drawings.

6.2. Applicant Response

6.2.1. The applicant submitted a very detailed and extensive response to the grounds of appeal and underlines the rationale for the scheme as revised by further information and in the context of the current Dun Laoghaire Rathdown Development Plan 2022-2028. The relevant points of the submission can be summarised as follows:

- Units have been reduced from 98 to 82, and a créche has been proposed.
- Significant changes have resulted from the concerns expressed and remedies sought by the planning authority by way of further information.
- Construction period will be approximately two years.
- The scale, massing and heights as amended by further information address the concerns set out in the grounds of appeal. The development will deliver much needed housing on a site that is undergoing major rejuvenation and designed to respect the residential amenities of neighbouring property.
- The development will be more than 36 metres from the rear of properties at Frascati Park and George's Avenue, this is sufficient for the heights proposed, up to seven storeys (the top being set back).
- There will not be a perceptible level of sunlight/daylit/overshadowing impact to existing homes in the area.
- Landscaping proposals are considered acceptable and as many trees will be retained or replaced as required.
- The scheme is not build to rent, it is a conventional apartment scheme.
- Impacts from construction noise and nuisance will be controlled by a management plan required by condition.
- Revisions to the development as originally proposed will ensure that property values are preserved or enhanced.

6.2.2. The appellant has also addressed all of the points raised by the observers to the proposal, the issues are the same and the appellant's submission mirrors those points already raised in reply to the grounds of appeal.

6.2.3. The submission is supported by two appendices that include: ABP correspondence, and a response to the water services issues raised by appellants/observers, prepared by Barrett Mahony Consultant Engineers.

6.3. Planning Authority Response

6.3.1. All relevant material is contained within the Planner's report, additional comments include:

- The development is generally in accordance with the Blackrock LAP height strategy, and the building height guidelines.
- No overlooking, adequate separation distances are maintained.
- Density is in accordance with the DC zoning.
- Impacts from noise and vibration can be mitigated.
- Light pollution will not be a factor, as noted by the Biodiversity Officer's Report and FI items 3(b) to (f) inclusive.
- Landscaping issues are addressed by the FI submitted by the applicant.
- As per section 12.8.3.1 of the Development Plan, a financial contribution can be sought if public open space is under-provided.
- The development has been permitted in accordance with all relevant policies of the current Development Plan 2022-2028.

6.4. Observations

6.4.1. Four observations were received from local residents and a resident's group, the matters outlined are the same as those outlined in the grounds of appeal. Additional issues include: traffic increases are likely in the area, differences between initial and subsequent drawings noted, units C1001 and C2001 should be omitted in addition to those already omitted above (C3001 and C4001), construction commencement times are queried and a preference for an 8am start is stated.

7.0 Assessment

7.1. Introduction

7.1.1. Due to the nature of the proposed development, prevailing legislation and in the interest of clarity, the assessment of this case comprises three components. This Section 7.0 is the Planning Assessment of the case, Section 8.0 relates to Appropriate Assessment, and Section 9.0 is the Environmental Impact Assessment. Where there are instances of overlap between the assessments, for example, with matters raised falling within both the planning assessment and the environmental impact assessment, the matters are not repeated but are indicated in the appropriate sections of the report.

7.1.2. In respect of the planning assessment, I consider the main issues in determining this case are those raised in the grounds of the appeals, the Planning Authority's and Applicant's responses, and are addressed under the following headings:

- Principle of development
- Residential amenity
- Landscape design
- Other matters

7.1.3. The Board should note that a concurrent appeal, yet to be decided, has been lodged on the overall site of the Frascati Centre, by the same applicant, ABP reference number PL06D.313240 refers. In the case of PL06D.313240, the planning authority granted permission for 41 apartment units over an existing multi-level car park, towards the north western corner of the overall site. I have assessed both cases individually and on their own merits. An EIAR accompanied both applications.

7.2. Principle of development

7.2.1. The Dun Laoghaire Rathdown County Development Plan 2022-2028 and the Blackrock Local Area Plan 2015-2020 (extended to 2025) are the relevant statutory plans for the area. The zoning objectives for the area are set out in the County Development Plan. The site is zoned 'DC' District Centre for the most part with an objective 'to protect, provide for and/or improve mixed-use district centre facilities.' A portion of the site in the north west corner is zoned 'A' with an objective 'to provide

residential development and improve residential amenity while protecting the existing residential amenities'. The portion of the site where the development is to take place is located on land zoned entirely 'DC'. There is an objective in the Development Plan "to protect and preserve trees and woodlands" pertaining to the margins of the site. Residential development is considered to be permitted in principle and can be accommodated by both land use zoning objectives 'A' and 'DC', tables 13.1.2 and 13.1.10 of the County Development Plan refer. It is a requirement of the Blackrock Local Area Plan 2015 that any comprehensive redevelopment of the Blackrock and Frascati shopping centres would include an element of high quality residential development, a community / exhibition room and a crèche / childminding facility. After submission of further information, a former retail unit will be provided as a childcare facility, condition 2 of the notification to grant permission refers.

7.2.2. I am satisfied that residential and childcare use is acceptable in principle under the zoning objectives that pertain to the site and that there is policy support for such uses within the Frascati Centre site. In relation to the objective "to protect and preserve trees and woodlands" within the site I note that the proposed development would not greatly impact existing tree planting as demonstrated by the landscape masterplan for the site.

Quantum of development

7.2.3. Objectors are concerned that the zoning objective of the lands concerned would not support high density residential development. The residential density of the development is 36 units per hectare based on a gross site area of 2.67 hectares. However, the actual residential density of the site when calculated over the site coverage would be a more accurate analysis and result in a density of over 100 units per hectare. In any case, the proposed development forms part of a wider mixed-use development and as such, the unit per hectare calculation does not reflect the overall scale of development proposed within the site.

7.2.4. Objectors have concerns in relation to the quantum of development proposed and state that the land use zoning does not support such a scale of development. However, the site is located in Blackrock as a designated 'district centre' and a tier 1 settlement in the county's settlement hierarchy, where residential development is considered to be appropriate and supported by an LAP that is still in accordance with

the core strategy of the new Development Plan. The site is also served by high frequency urban public transport services (QBC Bus services and DART). The proposal for a high density residential development at this location is in accordance with numerous national planning policies that support increased density at accessible urban locations. This includes National Policy Objective's 33 and 35 of the National Planning Framework, SPPR 1 of the Urban Development and Building Height Guidelines, 2018 and Section 2.4 of the Sustainable Urban Housing Design Standards for New Apartments Guidelines 2022. I consider the quantum of development to be acceptable in principle at this location. Policy Objective PHP18: Residential Density, of the DLR Development Plan also promotes higher densities but subject to a reasonable balance in terms of the protection of existing residential amenities and established character.

Housing Mix

7.2.5. Objections to the development raise an issue over the unit mix proposed and how it will not meet the requirements of the Blackrock LAP or development plan. The planning authority are satisfied that the development as amended by further information meets the current policy requirements of the current development plan, LAP and national guidance.

7.2.6. The initial proposal for the site set out the following dwelling mix: 5 studios (5.5%), 42 one bed units (42.5%), 51 two beds units (51%). The revised proposal after further information returned the following housing mix: 10 studio units (12%), 13 one bed units (16%), 43 two bed units (52%) and 16 three bed units (20%). With less than 50% of units providing one bed or studio accommodation, both proposals would meet SPPR 1 of the Apartment Guidelines that states developments may include up to 50% one-bedroom or studio type units (with no more than 20-25% of the total proposed development as studios). In addition, I note that the revised proposal meets the requirements of the current Development Plan for dwelling mix requirements for residential schemes, table 2.9.1, appendix 3 refers. Policy BK14 of the Blackrock LAP states that all new residential development shall provide for a sustainable mix of house types, sizes and tenures that meet the needs of a range of households and that both complement and enhance the existing residential mix.

7.2.7. Though local residents may have concerns about the proposed mix of units offered in the subject appeal, it meets all of the unit mix requirements for apartment schemes as set out by the relevant national guidelines and local planning objectives. Whilst the predominant character of adjacent older and conventional housing stock is towards larger units, I am satisfied that the proposed development will enhance the variety of available accommodation in the area in terms of unit mix.

7.2.8. I am satisfied that the principle of building residential apartment accommodation and a créche on this site zoned as a District Centre is entirely acceptable. The proposal is of a density and dwelling mix that would enhance and sustain this location close to a variety of public and commercial services and public transport. The area has ample public amenities available for use in the form of parks and other amenities and the provision of residential accommodation at this location is identified in the current development plan. There are other issues, specific to residential amenity that have been identified by appellants and these are considered below in Section 7.3 Residential Amenity.

7.3. **Residential amenity**

7.3.1. The main contention of appellants as objectors to the proposed development, in its initial format and that amended by further information, is that it will impact upon residential amenities currently enjoyed by neighbouring properties. The issues raised by appellants all revolve around the height, scale and massing of the proposed development and that it will impact their residential amenities with respect to overbearing appearance, overlooking and loss of natural daylight and overshadowing. Appellants and observers have formed the view that most of these matters contravene the development plan and local area plan with respect to residential amenity in general and building heights in particular. According to the objectors, all of the factors that concern residential amenity are impacted upon because of the height of the proposed development and this contravenes the statutory local area plan with respect to transition zones and height strategy. It is the broad consensus of the appellants and observers that the proposal to place additional storeys of residential development on top of an existing retail building has not been taken fully into account by the applicant. The planning authority accept that the building height guidance set out in the Blackrock LAP would be exceeded but that given the revised design approach and a reduction in scale in response to a

further information request, compliance with the Building Height Guidelines has been achieved. The planning authority carried out a very detailed assessment of the height and scale of development in accordance with section 3.2 of the Building Height Guidelines and find that the proposed development responds favourably to the development management criteria contained in the guidelines. As the grounds of appeal refer specifically to residential amenity concerns and not wider townscape or wider traffic impacts, I find the planning authority's conclusions to be acceptably robust in this regard. Finally, the Board should note that the EIA section of my report assesses the environmental impact of the development as described by the applicant in various chapters that refer to amongst other things; visual impact, traffic and heritage/archaeology contained within the EIAR.

7.3.2. Section 2.0 of my report describes the development as initially proposed and the changes that resulted from a request for further information from the planning authority and to which the applicant responded to. The changes were considered to be significant and they were advertised and additional observations were made by interested third parties. An appeal has been lodged by a number of third parties to the development as amended and permitted by the planning authority. I am therefore satisfied that there has been sufficient engagement with the development as proposed and amended within the requirements of the 2000 Act. In addition, I primarily make reference to the drawings that were submitted as further information on the 7 June 2022 for two reasons: they attempt to address concerns raised by third parties and meet relevant objectives of the current Development Plan.

7.3.3. To recap, the proposed development provides a residential component to a portion of the Frascati Centre by displacing an anchor unit, reconfiguring smaller retail units and the creation of a building of up to seven storeys. The floors are labelled thus: ground floor retail, mezzanine floor (plant rooms and retail space), first through to fifth floor, all of this results in a building up to 24.5 metres to the top of the lift/stair core. As viewed from the south east or south west the building will rise to a total of just over 24 metres and read as a seven storey building with a marginal set back at the top floor. The overall number of units has been reduced from 98 to 82 and a balanced mix of units proposed.

7.3.4. There are two residential areas that have elicited a high level of opposition to the proposed development, and they are located to the south east and south west of the

site: two storey terraced houses along George's Avenue and two storey semi-detached and terraced housing along Frascati Park. All of these properties date from the first half of the twentieth century and are attractive well maintained houses with large and commodious back gardens that press up to the boundary with the site. In the following sections I have taken each of the residential amenity concerns raised by the appellants in terms of overbearing appearance, overlooking, separation distances, overshadowing and impacts upon sunlight and daylight.

7.3.5. Overbearing Appearance – the concept of an overbearing appearance in terms of the built environment can be difficult to quantify. For existing residents, it is the thought of a new structure occupying space that was previously unoccupied and this is seen as an unacceptable intrusion. I note that the applicant has prepared a number of studies to examine what the visual impact of the development would be in the wider area, such as the Landscape and Visual Assessment chapter in the EIAR, architectural rendering and computer generated images. All of these studies rate the impact of the development in the wider area and according to the applicant, all is well. The planning authority agree and accept that the impact of the development is limited in terms of general visual impact. However, the visual impact or degree of overbearing appearance set to be experienced by adjacent residents is not touched upon to the same degree. Separation distances are set out and I assess these later, but it is the impact of the development as viewed from private residences that needs to be considered.

7.3.6. Unsurprisingly, it is those houses that are nearest that will experience the greatest perception of an impact of overbearing appearance. Having observed matters on site, it is those properties along George's Avenue and Frascati Park that will perceive an impact greater than others. To be clear and according to Eircode mapping, houses 1-15 Frascati Park (along George's Avenue) and 16-27 Frascati Park back onto the site in the vicinity of the proposed development.

7.3.7. At present, a large shopping centre building of up to 3 storeys in height occupies the site and is located to the north of adjacent homes. An access lane circulates the periphery of the site and for its run along the rear of property fronting George's Avenue and Frascati Park, the road is lined with significant and mature deciduous trees. Between the rear boundaries of all dwellings concerned and the proposed built edge of the proposed development, there is a road, mature trees, grass margins and

footpaths. A distance of at least 30 metres will separate the first floor rear elevations of existing dwellings and the proposed new building. Some single storey rear extensions will narrow this separation distance to just over 20 metres in a small number of cases. In terms of site levels, there is no perceptible change in ground levels between rear gardens and the appeal site.

7.3.8. The impact of an overbearing appearance lessens with distance, and I note that over 20 and 30 metres separates the nearest properties on the south eastern and south western side of the site. In addition, I note that some changes have been made to the overall height of the development, but appellants are still concerned that such minor changes do not ameliorate the scheme impacts.

7.3.9. For ease of reference, I refer to the drawings submitted as further information and dated as received by the planning authority on the 7 June 2022 and labelled ‘further information'. These drawings simply illustrate the development as amended by the requirements of the planning authority with reference to further information item 1(d) and shown by a dashed red line and various annotations. I can see that the bulk and height of the development now proposed has been reduced and corresponds with the new apartment additions already in place to the north east. A step back of the top floor units and screening to communal amenity spaces also helps to disguise the seventh floor. From ground level, the proposed development will appear as a six storey apartment building in place of the three storey anchor retail building currently in place.

7.3.10. As a result of the changes made to the proposed apartment scheme due to the further information sought by the planning authority, I am satisfied that there will be no adverse impacts that arise from an overbearing appearance to the existing residents of properties on the margins of the development site. This is due to a mixture of separation distances between properties, a marginal reduction in heights proposed and finally the level of screening landscaping proposed and existing.

7.3.11. Overlooking – overbearing appearance can compound the sense of overlooking but there are other factors that can manage and eliminate overlooking impacts. As already assessed, I am satisfied that overbearing appearance has already been addressed by an overall reduction in height and stepped back top floor apartments, as a consequence the impact of overlooking is also minimised for adjacent property.

The separation distances for property along Frascati Park and George's Avenue are too great to result in any adverse impact from overlooking and I am satisfied that these properties are adequately protected.

7.3.12. Some appellants have raised specific concerns about units and the potential for overlooking and loss of privacy. However, I note that the planning authority recognised that overlooking and privacy was an issue to be addressed and item 1(e) of their request for further information is highlighted by a specific design response. This item was addressed by the applicant in terms of some changes to unit configuration but mainly the addition of 200mm of louvred screening to the proposed 1.5 metre high balcony screening. The applicant yielded to this request but notes that sunlight/daylight levels to proposed units will be altered as a result. Consequently, a revised assessment of daylight adequacy was prepared by the applicant and in accordance with BRE guidance, a majority of units (86%) still comply with guidance in terms of skylight amenity. In terms of annual probable sunlight hours (APSH) compliance rate is still within the required margins. I am not especially concerned that overlooking was an issue that required the addition of screening and it is unfortunate that sunlight/daylight amenity for future occupants is marginally impacted upon. However, given the southerly orientation and the lightweight design of the louvre screening proposed, the design response is acceptable. The applicant has adequately addressed any issues associated with overlooking and the planning authority agree. I am satisfied that issues associated with overlooking have been addressed by the architectural design of the apartments proposed and the generous separation distances involved that overcome the perception of privacy loss.

7.3.13. Separation Distances – Appellants and observers have noted that separation distances are not significant enough between the development and the garden walls of property and that this is a contravention of the development plan. Separation distances have been noted by the planning authority but no direct refence to any contravention of the development plan material or otherwise is mentioned. I see that section 12.3.5.2 Separation Between Blocks of the development plan, advises careful consideration of separation distances and opposing windows should be generally no closer than 22 metres. The development plan goes on to state that where minimum separation distances are not met, the applicant shall submit a

daylight availability analysis for the proposed development, this has been submitted and I assess its contents where relevant, in the sections below. Section 12.8.7.1 Separation Distances of the development plan refers to amenity space and boundaries, specifically that if the application of 22 metres is applied then 11 metre back gardens would result. However, the plan goes on to point out that relaxed standards may apply if good design measures are applied. In this instance, rear garden depths at property along Frascati Park and Georges Avenue are mostly in excess of 11 metres and the revised footprint of the proposed development maintains at least 12 metres to the existing boundary wall.

7.3.14. The proposed development has been designed to preserve good separation distances, the closest first floor window of existing development to the proposed development would be over 30 metres away. I am satisfied that the development plan has not been contravened with respect to separation distances and so there has been no material contravention or otherwise.

7.3.15. Overshadowing – the impacts of overshadowing are experienced by existing property when taller development is proposed at a close distance away and where the path of the sun would be interrupted and a shadow cast. Other factors come in to play, and these include: what elements occupy the intervening space such as trees and boundary walls, what the intervening space is used for say amenity or habitable rooms. All appellants raise issues with overshadowing and are concerned that their gardens and homes will be overshadowed because of the height of the development. The applicant has prepared a detailed Daylight Impact Report, this was updated by responses to FI that also assesses the impact of shadow cast, appendix J of the updated report refers. The planning authority are satisfied that any impacts from overshadowing will not be an issue for existing residents in the area.

7.3.16. I have examined the shadow cast diagrams prepared by the applicant and can see that the impacts of overshadowing are simply not present for neighbouring property along George's Avenue and Frascati Park. This is due to a variety of factors, such as the existence of high boundary walls and the separation distances between buildings. Specifically, I note that the proposed development lies some 30 metres to the north west and north east of existing residential property and I would expect that the influence of shadow would not be a factor of concern. Shadow cast diagrams prepared by the applicant graphically illustrate the path of shadows cast at various

times, in line with industry standards for this type of study i.e. 21st of March as advised by BRE site layout planning guidance. Given the foregoing I am satisfied that overshadowing of property (rear gardens and habitable rooms) will not result in any level of residential amenity loss.

7.3.17. Sunlight and Daylight – Concerns have been raised by appellants with regard to the impact of the development from the perspective of sunlight and daylight loss. The applicant has prepared a very detailed assessment, entitled Daylight Impact Report and prepared by BPG3 (Dr Rory Walsh – Daylight Assessment Specialist), to which the planning authority raise no concerns of note. The report was updated to take account of changes required by a further information request and it is this updated report that I have had regard to.

7.3.18. In the context of amenity and neighbouring residents, Daylight Report 1 of 2 is of most relevance. In this report the applicant sets out studies in relation to skylight levels to neighbouring accommodation and recreation areas. At the time of production, the report notes existing advice and highlights that a new edition of the BRE standards on daylight and sunlight is to be published. I am satisfied that the report has been prepared to an acceptable standard, in line with current national and local planning advice with regard to sunlight/daylight assessments. Study A of the applicant's report deals with the Vertical Sky Component (VSC), this is a measure of how much direct daylight a window is likely to receive. The Vertical Sky Component is described as the ratio of the direct sky illuminance falling on the vertical wall at a reference point, to the simultaneous horizontal illuminance under an unobstructed sky. A new development may impact on an existing building, and this is the case if the Vertical Sky Component measured at the centre of an existing main window is less than 27%, and less than 0.8 (20%) times its former value. Appendix J of the report details the location and views used to analyse with respect to daylight (VSC) and sunlight (Annual Probable Sunlight Hours – APSH). The sites analysed include all relevant properties at George's Avenue and Frascati Park, with a total of 89 rooms assessed. The report found that all 89 windows (89 rooms) tested retained VSC levels that meet advisory minimums, table 1 of the report sets out all results. I am satisfised that all rooms tested will not be adversely impacted by the development in terms of an impact to daylight access.

7.3.19. Study B within the report refers to an Annual Probable Sunlight Hours (APSH) assessment that indicates what the impact of a development would be on the sunlight received by existing units. Only south facing windows are considered in this assessment (9 rooms in total), in accordance with BRE guidance. According to the BRE guidance a dwelling/or a non-domestic building which has a particular requirement for sunlight, will appear reasonably sunlit if:

- At least one main window wall faces within 90° of due south and
- The centre of at least one window to a main living room can receive 25% annual probable sunlight hours, including at least 5% of annual probable sunlight hours in winter months (the winter period is considered to fall between the 21st of September and the 21st of March).

7.3.20. Further to this the BRE advise that the sunlighting of existing dwellings may be adversely affected if the centre of the window in question:

- Receives less than 25% of annual probable sunlight hours, or less than 5% of annual probable sunlight hours between the 21st of September and the 21st of March and
- Receives less than 0.8 times its former sunlight hours during either period and
- Has a reduction in sunlight received over the whole year greater than 4% of annual probable sunlight hours.

7.3.21. In the report, table 2 sets out annual sunlight access and table 3 sets out winter sunlight access. In all cases there is no impact to adjacent property with respect to APSH, all homes will retain above the target values post development.

7.3.22. Lastly, Study C of the report sets out the assessment of sunlight levels to private amenity areas, gardens and balconies, figure 3 details the 38 sites/gardens/amenity areas tested and they correspond to George's Avenue and Frascati Park. The report finds that all private amenity areas will not fall below minimums with refence to solar access, table 4 refers and figure 5 graphically illustrates sunlight hours on the 21st March post-development.

7.3.23. The Sunlight, Daylight and Overshadowing analysis submitted by the applicant provides sufficient information to assess the proposal in terms of the daylight, sunlight and overshadowing impact of the development on existing development

adjoining the site, which is all residential in nature. The information on file demonstrates that existing dwellings will have access to sufficient levels of daylight and sunlight post development of the site as proposed and amended by further information. The level of overshadowing generated by the development in relation to adjoining properties does not give rise for concern. This is because the overall design, scale, orientation and pattern of proposed development has had sufficient regard to the existing pattern of development in the area and is a continuation of established development patterns.

7.3.24. It is noted that there is likely to be instances where judgement and balance of considerations apply. To this end, I have used the Guidance documents referred to in the Ministerial Guidelines and within the Dun Laoghaire County Development Plan 2022-2028 to assist me in identifying where potential issues/impacts may arise. I have considered whether such potential impacts are reasonable, having regard to the need to provide new homes within the Dun Laoghaire area, and to increase densities within zoned, serviced and accessible sites. I have also taken into account the potential impact, such as it is, on existing residents from such development and it is not significantly negative and has been adequately mitigated by careful design. Existing units will receive adequate sunlight and daylight, in accordance with the BRE Guidance. I have no reason, therefore, to recommend to the Board that permission be refused on this issue.

Other Residential Amenity Issues

7.3.25. Appellants have not raised any issues with regard to the residential amenities that will be experienced by future residents of the proposed development. There are specific guidelines in place to ensure that new apartment schemes provide good and acceptable living spaces and these are known as the Sustainable Urban Housing: Design Standards for New Apartments (2022). I can see that the planning authority have applied the standards outlined by the guidelines to the proposed development and find them to be compliant in almost every way. I am satisfied that the planning authority have applied the correct standards to the proposed development and hence there are no outstanding residential amenity issues to examine with respect to the apartment units as proposed.

7.3.26. I note that updated findings with regard to sunlight/daylight factors have been submitted. This is due to changes to the dwelling mix, internal configuration and screening proposals that have affected the sunlight/daylight provision for some apartment units. I note that Average Daylight Factor (ADF) results are still acceptable, however, a small number of bedrooms and eight living/kitchen/dining rooms (numbers 29, 44, 49, 52, 31, 17, 25 and 23) would fall below standard. The applicant points out that though a small number of LKDs fall below standard, their increased size is seen as more beneficial but often difficult to return good ADF results. However, the applicant also points out that well designed task lighting, larger rooms and high quality finishes will all compensate the marginal access to daylight losses for those units affected. This is noted and I accept that to meet the requirements of a balanced unit mix and privacy concerns expressed by the planning authority, a small number of units will inevitably return lower ADF results and this is acceptable.

7.3.27. Residential Amenity Conclusion –The scheme has been carefully designed to protect existing residential amenity, reduced in height and number of units. I am satisfied that the concerns raised by observers during the initial planning application stage of the process have been addressed by further information submissions. The proposed scheme as amended by further information and now before the Board is acceptable.

7.4. Landscape design

7.4.1. Some appellants have criticised the landscaping approach and believe that it will be entirely inadequate and not protect residential property. The planning authority have attached conditions that relate to the implementation of the landscaping plan as submitted and amended by further information received and considered to be acceptable. I can see that significant amounts of screening proposals are planned around amenity spaces and access deck, podium levels and extensive areas of green wall are also proposed. Mature trees are to be retained in a high number of cases and a condition can ensure this. I am also satisfied that the implementation of the landscape plan as proposed and amended by further information will adequately bed the development in to its surroundings and this is illustrated by the material submitted by the applicant and detail in the relevant chapter of the EIAR.

7.4.2. Some appellants have raised the issue of public open space and that none or not enough has been provided. The proposed scheme provides a combination of private amenity spaces in the form of balconies that meet the required dimensions and the provision of communal open spaces for the sole use of occupants. No meaningful public open space has been provided. I note that the planning authority have attached a section 48(2)(c) special contribution condition, apparently in accordance with the requirements of the new development plan, section 12.8.3.1 of the plan refers. Where there are shortfalls in the provision of public open space such as on this site, the development plan states that a contribution in lieu for any shortfall in the quantum of public open space to be provided will be used for the provision of improved community and civic infrastructure and/or parks and open spaces, in the vicinity of the proposed development for use of the intended occupiers of same. Condition 20 requires the payment of a levy to pay for improvements to Myrtle Square off George's Street Lower in Dun Laoghaire, some distance from the appeal site, I note that Blackrock Park is far closer. The applicant has not raised any opposition to the imposition of such a condition, it was not appealed. However, I am not certain that a section 48(2)(c) condition is either necessary or warranted in this instance. The existing development contribution scheme covers such things as community and parks facilities and other amenities, and so I recommend the attachment of a standard section 48 development contribution in this instance.

7.5. **Other Matters**

7.5.1. Property Values – Some appellants and observers are concerned that if the development is permitted it will decrease the value of their property and others in the area. No documentary evidence has been submitted to demonstrate that the development will adversely affect property values in the area, and it is likely that the provision of apartment units will provide more choice and desirability for the area as a whole. It may be the perception of appellants that their residential amenities will be affected and hence the value of their property will decrease. I have already explained that residential amenities will not be impacted upon to any great degree. I am not satisfied that a demonstrable case has been advanced to be certain that property values will be adversely affected by the development as proposed and amended by the further information submitted to the planning authority by the applicant.

7.5.2. Engagement – Some appellants and observers are critical of the lack of any meaningful engagement on behalf of the applicant with respect to the development. I note that public consultation is not a feature of planning applications, and the only obligation on the applicant is notification by way of public notice, this has been complied with. Though it is desirable to have more or less complete support from adjacent property owners for a development, it is not a requirement of planning. I am satisfied that the statutory requirements to notify the public have been met in full by the applicant. I note that some engagement between parties did take place but not, apparently, to the complete satisfaction of the appellants in this instance, no further action is required on behalf of the Board.

8.0 **Appropriate Assessment**

8.1. Overview

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

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

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

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

8.2.3. The applicant has submitted a Screening Report for Appropriate Assessment as part of the planning application. In addition, the Screening Report was updated to take account of a further information (FI) request from the planning authority's consultant ecologist. The Screening Report and updated Screening Report as a consequence of further information required by the planning authority, has been prepared by Enviroguide Consulting. It is the initial report and the updated responses to FI that I have had regard to in my assessment. The report provides a description of the proposed development and identifies European Sites within a possible zone of influence of the development. The AA screening report concludes that on the basis of the best scientific knowledge available the possibility of any significant effects on any European Sites, whether arising from the project itself or in combination with other plans and projects, can be excluded. The preparation of a Natura Impact Statement (NIS) is not required.

8.2.4. Having reviewed the documents and submissions, I am satisfied that the submitted information allows for a complete examination and identification of all the aspects of the project that could have an effect, alone, or in combination with other plans and projects on European sites.

8.3. Need for Stage 1 AA Screening

8.3.1. The project site is not directly connected with or necessary to the management of a European Site and therefore it needs to be determined if the development is likely to have significant effects on a European site(s). The proposed development is examined in relation to any possible interaction with European sites designated Special Conservation Areas (SAC) and Special Protection Areas (SPA) to assess whether it may give rise to significant effects on any European Site in view of the conservation objectives of those sites.

8.4. Brief Description of the Development

8.4.1. The applicant provides a description of the project in the Screening Report (pages 12- 13). The development is also summarised in Section 2 of my report. In summary, the development relates to a total of 98 apartment units, amended to 82 units after a response to FI. The proposed development forms part of a wider redevelopment of the site that is largely completed. The site is serviced by public water and drainage networks. Foul effluent will drain via the public wastewater network to the Ringsend

WWTP and will ultimately discharge to Dublin Bay. The site is within the Liffey River and Dublin Bay surface water catchment. The Priory Stream runs through the northern section of the overall site and is culverted within the site. Surface water from the development will discharge to the Priory Stream via the existing storm water network. There are existing petrol interceptors at each discharge point. The Priory Stream discharges into Dublin Bay at Blackrock Beach, c. 250 m to the north of the site (c. 500 m downstream). The outfall is within the designated area of the South Dublin Bay and River Tolka Estuary SPA and the South Dublin Bay SAC. The dominant habitat on site is buildings and artificial surfaces. No flora or fauna species for which Natura 2000 sites have been designated were recorded on the application site and no third schedule 2 non-native invasive plant species were encountered on site.

8.5. Submissions and Observations

8.5.1. The submissions and observations from the Local Authority, any Prescribed Bodies, and third parties are summarised in sections 3 and 6 of this Report. The submissions do not raise any issues in relation to AA. I note that the planning authority contracted a Consultant Ecologist (Denyer Ecology) to assess the application with respect to ecology and particularly to assist with appropriate assessment. The planning authority agreed with the adjustments that were required to ensure that AA Screening took account of all relevant factors. In this instance the relevant factors included: information on disturbance to Herring Gull, ex-situ feeding, potential for bird collisions, disturbance to bird populations and overlapping construction impacts. I am satisfied that the AA Screening Report is suitably detailed and takes account of all relevant factors as identified by the planning authority's Consultant Ecologist.

8.6. Zone of Influence

8.6.1. A summary of European Sites that occur within the vicinity of the proposed development is presented in the applicant's AA Screening Report. In terms of the zone of influence, I would note that the site is not within or immediately adjacent to a Natura 2000 site. The nearest European sites are sites in Dublin Bay. South Dublin Bay SAC [Site Code 000210] and South Dublin Bay and River Tolka Estuary SPA [Site Code 004024] are located c. 220m north of the site at the closest point. North Bull Island SAC [Site Code 004006] and North Dublin Bay SAC [Site Code 000206]

are located c. 5.3 km north of the site. Also within the Dublin Bay coastal waterbody Rockabill to Dalkey Island SAC [Site Code 003000] is c. 6.1 km east of the proposed development, Dalkey Island SPA [Site Code 004172] is c. 6.2 km south east of the proposed development and Howth Head SAC [Site Code 000202] and Howth Head Coast SPA [Site Code 004113] are c. 9.4 km north east of the proposed development.

8.6.2. Section 3.5 of the applicant's screening report identifies all likely significant effects associated with the proposed development taking account of the characteristics of the proposed development in terms of its location and scale of works, examines whether there are any European sites within the zone of influence, and assesses whether there is any risk of a significant effect or effects on any European sites, either alone or in combination with other plans or projects. The issues examined are impacts arising from habitat loss / disturbance, hydrological pathways, dust and noise impacts. The possibility of a hydrological pathway between the proposed development and habitats and species of European sites in Dublin Bay is identified due to surface water and foul water connections. Groundwater pathways can be excluded (refer to AWN Hydrological and Hydrogeological Qualitative Risk Assessment). The potential for significant impacts such as displacement or disturbance due to loss or fragmentation of habitats or other disturbance can be excluded due to the lack of suitable habitat for qualifying interests of SPAs and the intervening distances between the site and European sites. Collision risk to birds is considered to be negligible.

8.6.3. In applying the 'source-pathway-receptor' model in respect of potential indirect effects, all sites outside of Dublin Bay, are screened out for further assessment at the preliminary stage based on a combination of factors including the intervening minimum distances, the lack of suitable habitat for qualifying interests of SPAs and the lack of hydrological or other connections. In relation to the potential connection to sites in Dublin Bay I am satisfied that the Rockabill to Dalkey Island SAC, Dalkey Island SPA, and Howth Head Coast SPA and Howth SAC are not within the downstream receiving environment of the proposed development given the nature and scale of the proposed development, the insignificant loading in terms of either surface water or wastewater, the intervening distances and the significant marine buffer and dilution factor that exists between the sites. I conclude that it is

reasonable to conclude on the basis of the available information that the potential for likely significant effects on these sites can be excluded at the preliminary stage.

8.6.4. The designated area of sites within the inner section of Dublin Bay, namely South Dublin Bay SAC, North Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA, North Bull Island SPA are closer to the development site and to the outfall location of the Ringsend WWTP and the Priory Stream and could therefore reasonably be considered to be within the downstream receiving environment of the proposed development and on this basis these sites are subject to a more detailed Screening Assessment.

8.6.5. I am satisfied that the potential for impacts on all other Natura 2000 Sites can be excluded at the preliminary stage due to the nature and scale of the proposed development, the degree of separation and the absence of ecological and hydrological pathways.

8.6.6. The Conservation Objectives (CO) and Qualifying Interests of sites in inner Dublin Bay are as follows:

South Dublin Bay SAC (000210) - c. 220 m north of the proposed development.
Conservation Objective (CO) - To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected. Qualifying Interests/Species of Conservation Interest: Mudflats and sandflats not covered by seawater at low tide [1140] / Annual vegetation of drift lines [1210] / Salicornia and other annuals colonising mud and sand [1310] / Embryonic shifting dunes [2110]

North Dublin Bay SAC (000206) – c. 5.6 km north of the proposed development.
CO - To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected. Qualifying Interests/Species of Conservation Interest: Mudflats and sandflats not covered by seawater at low tide [1140] / Annual vegetation of drift lines [1210] / Salicornia and other annuals colonising mud and sand [1310] / Atlantic salt

meadows (Glauco-Puccinellietalia maritimi) [1330] / Mediterranean salt meadows (Juncetalia maritimi) [1410] / Embryonic shifting dunes [2110] / Shifting dunes along the shoreline with Ammophila arenaria [2120] / Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] / Humid dune slacks [2190] / Petalophyllum ralfsii (Petalwort) [1395].

South Dublin Bay and River Tolka Estuary SPA (004024) - c. 220 m east of the site.
CO – To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA. Qualifying Interests/Species of Conservation Interest: Light-bellied Brent Goose (Branta bernicla hrota) [A046] / Oystercatcher (Haematopus ostralegus) [A130] / Ringed Plover (Charadrius hiaticula) [A137] / Grey Plover (Pluvialis squatarola) [A141] / Knot (Calidris canutus) [A143] / Sanderling (Calidris alba) [A144] / Dunlin (Calidris alpina) [A149] / Bar-tailed Godwit (Limosa lapponica) [A157] / Redshank (Tringa totanus) [A162] / Black-headed Gull (Chroicocephalus ridibundus) [A179] / Roseate Tern (Sterna dougallii) [A192] / Common Tern (Sterna hirundo) [A193] / Arctic Tern (Sterna paradisaea) [A194] / Wetland and Waterbirds [A999]

North Bull Island SPA (004006) - c. 5.6 km north of the site.
CO – To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA. Qualifying Interests/Species of Conservation Interest: Light-bellied Brent Goose (Branta bernicla hrota) [A046] / Shelduck (Tadorna tadorna) [A048] / Teal (Anas crecca) [A052] / Pintail (Anas acuta) [A054] / Shoveler (Anas clypeata) [A056] / Oystercatcher (Haematopus ostralegus) [A130] / Golden Plover (Pluvialis apricaria) [A140] / Grey Plover (Pluvialis squatarola) [A141] / Knot (Calidris canutus) [A143] / Sanderling (Calidris alba) [A144] / Dunlin (Calidris alpina) [A149] / Black-tailed Godwit (Limosa limosa) [A156] / Bar-tailed Godwit (Limosa lapponica) [A157] / Curlew (Numenius arquata) [A160] / Redshank (Tringa

totanus) [A162] / Turnstone (Arenaria interpres) [A169] / Black-headed Gull (Chroicocephalus ridibundus) [A179] / Wetland and Waterbirds [A999]

AA Screening Conclusion:

8.6.7. Consideration of Impacts on South Dublin Bay SAC, North Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA and North Bull Island SPA:

- There is nothing unique or particularly challenging about the proposed urban development, either at construction phase or operational phase.

- There is a potential hydrological connection from the site to European Sites in the inner section of Dublin Bay via surface water. The Priory Stream (culverted) runs west to east within the overall site, but not within the construction area. Surface water from the development site drains via an on-site storm water network to the Priory Stream, which in turn outfalls to Dublin Bay at Blackrock Beach c. 250m north of the site (500 m downstream). The outfall is in the area of the South Dublin Bay SAC and South Dublin Bay and River Tolka Estuary SPA. The surface water pathway creates the potential for a direct connection between the site and South Dublin Bay SAC and South Dublin Bay and Tolka Estuary SPA and for an indirect connection to other European sites in the inner section of Dublin Bay. During the construction phase standard pollution control measures are to be used to prevent sediment or pollutants from leaving the construction site and entering the water system. The site comprises hard standing that will remain undisturbed and petrol interceptors are already in place at outfall locations. During the operational phase attenuated surface water will discharge to the Prior Stream. The proposed development will not increase the volume of stormwater outfall and the proposed green roofs will result in a net reduction in the outfall volume (See Civil Engineering Infrastructure and Flood Risk Assessment and the Construction Management Plan). The pollution control measures on site and to be undertaken during both the construction and operational phases are standard practices for urban sites and would be required for a development on any urban site in order to protect local receiving waters, irrespective of any potential hydrological connection to Natura 2000 sites. In the event that the pollution control and surface water treatment measures were not implemented or failed, I remain satisfied that the potential for likely

significant effects on the qualifying interests of Natura 2000 sites in Dublin Bay can be excluded given the nature and scale of the development and volume of water separating the application site from Natura 2000 sites in Dublin Bay (dilution factor). In this regard I refer the Board to the Hydrological & Hydrogeological Qualitative Risk Assessment (HHA) prepared by AWN consulting and the overall conclusions contained therein. Given the circumstances of the site and the characteristics of the proposed development described above, it is highly unlikely that contaminated surface water runoff from the construction or occupation of the proposed development would reach Dublin Bay. If such an unlikely event were to occur, the volume of the runoff means that there is no realistic prospect that it could have a significant effect on the current water regime such that it would hinder the achievement of the conservation objectives of any of the Natura 2000 sites.

- The foul discharge from the proposed development would drain, via the public network, to the Ringsend WWTP for treatment and ultimately discharge to Dublin Bay. There is potential for an interrupted and distant hydrological connection between the site and sites in Dublin Bay due to the wastewater pathway. The foul discharge from the site is negligible in the context of the overall licenced discharge at Ringsend WWTP, and thus its impact on the overall discharge would be negligible. The HHA notes that the WWTP is required to operate under EPA licence and to meet environmental legislative requirements. It does acknowledge that there have been a number of breaches of the EPA licence for the WWTP, due to stormwater overflows, but also notes that recent water quality assessment shows that these overflows have bene shown not to have a long term detrimental impact on water body status. The HAA refers to an EPA water quality assessment that states Dublin Bay continues to meet the criteria for ‘Unpolluted’ water quality status (EPA 2021).

8.6.8. On the basis of the foregoing, I conclude that the proposed development will not impact the overall water regime (quality and quantity) of Dublin Bay and that there is no possibility of the proposed development undermining the conservation objectives of any of the qualifying interests or special conservation interests of European sites in or associated with Dublin Bay. In relation to in-combination impacts, given the negligible contribution of the proposed development to the wastewater discharge from Ringsend, I consider that any potential for in-combination effects on water quality in Dublin Bay can be excluded. Furthermore, other projects within the Dublin

Area which can influence conditions in Dublin Bay via rivers and other surface water features are also subject to AA. In this way in-combination impacts of plans or projects are avoided.

8.6.9. It is evident from the information before the Board that the proposed development, individually or in combination with other plans or projects, would be not be likely to have a significant effect on the South Dublin Bay SAC, North Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA, North Bull Island SPA and that Stage II AA is not required.

8.7. Screening Assessment

8.7.1. It is reasonable to conclude that on the basis of the information on file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on South Dublin Bay SAC (000210), North Dublin Bay SAC (000206), South Dublin Bay and River Tolka Estuary SPA (004024), North Bull Island SPA (004006), or any European site, in view of the sites' Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

9.0 Environmental Impact Assessment

9.1. Introduction

9.1.1. The application is accompanied by an Environmental Impact Assessment Report (EIAR). The application falls within the scope of the amending 2014 EIA Directive (Directive 2014/52/EU) on the basis that the application was lodged after the last date for transposition in May 2017. The application also falls within the scope of the European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018, as the application was lodged after these regulations come into effect on 1st September 2018.

9.1.2. The development relates to a total of 98 apartment units on a site of 2.67 hectares. The proposed development (Phase 3) is part of a wider redevelopment of the site under a number of planning consents (See 4.0 Planning History above). The site is located in an urban area that could be considered as a business district, as

"business district" means a district within a city or town in which the predominant land use is retail or commercial use.

9.1.3. I note that further information was sought by the planning authority with respect to the content of the EIAR, I am satisfied that the EIAR to be found on the file and available to observers is acceptable and complete.

9.2. Requirement for an Environmental Impact Assessment

9.2.1. Section 172(1)(a) of the Planning and Development Act 2000, as amended, and Item 10(b), Part 2, Schedule 5 of the Planning and Development Regulations 2001, as amended provides that an EIA is required for infrastructure projects that involve:

> iv) Urban Development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.

9.2.2. Item 13 (a) relates to any change or extension of development already authorised, executed or in the process of being executed (not being a change or extension referred to in Part 1) which would –

(i) result in the development being a class listed in Part 1 or paragraphs 1 to 12 of Part 2 of this Schedule, and

(ii) result in an increase in the size greater than 25 percent, or an amount equal to 50 percent of the appropriate threshold, whichever is the greater.

9.2.3. The EIAR refers to the need for the submission of an EIAR because under Class 13(a), the development would represent an extension of greater than 25% of already permitted development, ABP-300745-18 refers. The EIAR states that having regard to the Board's Section 132 request to submit an EIAR for the Phase 1 residential development of 45 apartments an EIAR has been prepared. The Board previously considered that under ABP-300745-18 the proposed 45 apartments resulted in an increase in size greater than 25% to the development already authorised under Reg. Ref. D14A/0134, which was subject to an EIS (Class 10 (iii) shopping centre expansion greater than 10,000 sq. metres). The applicant considered that given the quantum of residential floorspace already permitted and floorspace now proposed that the subject application would come within the scope of Class 13 (a).

9.2.4. The proposed development can be described as urban development located within a business district and the site area exceeds the 2-hectare threshold for mandatory EIA, set out in Class 10 (iv). Notwithstanding any reasons advanced with respect to an increase of size by 25%, the fact that the site is greater than two hectares and located within a business district, requires the submission of an EIAR.

9.2.5. The following subsections examine the EIAR to ensure that statutory provisions of EIA Directive 2014/52/EU as transposed in the Planning and Development Act 2000, as amended (principally in Section 171A, Part X) and the Planning and Development Regulations 2001, as amended (principally in Article 94, and Items 1 and 2, Schedule 6) have been complied with. These include the content of the EIAR, examination of the likely significant direct and indirect effects, identification of risk of major accidents and disasters, consideration of reasonable alternatives and undertaking of consultations.

Content of the Environmental Impact Assessment Report

9.2.6. The applicant has prepared an EIAR for the proposed 98 apartment units, which was submitted with the planning application. The EIAR has been prepared, having regard to the specific characteristics and features of the site, and the characteristic and quantum of existing and proposed developments. The EIAR is laid out in two documents as follows: Main Statement and Appendices; and Non-Technical Summary. Chapter 1 is an introduction which sets out the relevant legislation and the format and structure of the EIAR as well as outlining the experts involved in preparing the document. Chapter 2 provides a description of the project, a description of the characteristics of the site and the alternatives considered. Chapter 14 considers interactions and Chapter 15 provides a summary of mitigation measures.

9.2.7. The requirements of Article 3(2) of the Directive include the expected effect deriving from the vulnerability of the project to risks of major accidents and/or disaster that are relevant to the project concerned. A chapter to cover accidents and disasters or cumulative impacts has not been submitted, however, these topics are addressed within each individual specialist chapter. The proposed development is residential in nature and will not require large scale quantities of hazardous materials or fuels. I am satisfied that the proposed use, i.e. residential, is unlikely to be a risk of itself.

Having regard to the location of the site and the existing land use as well as the zoning of the site, I am satisfied that there are unlikely to be any effects deriving from major accidents and or disasters.

9.2.8. The likely significant direct and indirect effects on the environment, as set out in Article 3 of the Directive, are considered in Chapters 3-13 under the following headings:

- Population and Human Health
- Archaeology and Cultural Heritage
- Biodiversity
- Landscape & Visual Impact
- Land and Soils
- Water
- Air Quality and Climate
- Noise and Vibration
- Microclimate
- Daylight and Sunlight Assessment
- Material Assets

9.2.9. The content and scope of the EIAR is considered to be acceptable and in compliance with the requirement of Article 94 (content of EIS) and Article 111 (adequacy of EIS content) of the Planning and Development Regulations, 2001 (as amended) and the provisions of the new amending directive.

9.2.10. I am satisfied that public participation requirements, in accordance with the minimum timeframes set out in the EIA Directive, has been provided for through the statutory planning process and that details of the project have been uploaded on the governments EIA portal (Reference 2021240).

9.2.11. I have carried out an examination of the information presented by the applicant, including the EIAR, and the submissions made during the course of the application. A summary of the submissions made by the planning authority, prescribed bodies (if any) and third parties has been set out at Sections 3 and 6 of this report. Issues

raised that are relevant to the EIA are addressed below under the relevant headings, as appropriate, and in the reasoned conclusion and recommendation including conditions.

9.2.12. A number of the environmental issues relevant to this EIA have already been addressed in the main Assessment at Section 7.0 of this report. This EIA Section of the report should therefore, where appropriate, be read in conjunction with the relevant parts of the main Assessment.

9.3. Consideration of Alternatives

9.3.1. The submitted EIAR outlines the alternatives examined at Chapter 2 (pursuant to Article 5(1)(d) of the 2014 EIAR Directive and Annex IV). The main alternatives studied comprise alternative locations, uses and designs and layouts. Given the site's district centre and residential zonings and the fact that the Development Plan and Local Area Plan for the area support and promote the delivery of a mix of uses on the site, including residential, alternative locations were discounted. Environmental issues informed the consideration of alternative designs and layouts. In my opinion reasonable alternatives have been explored and the information contained in the EIAR with regard to alternatives is comprehensive and is in accordance with the requirements of the 2014 EIA Directive.

9.4. Assessment of Effects

Population and Human Health

9.4.1. Chapter 3 of the EIAR addresses population and human health. The potential effects are considered in the context of socio-economic activity, land-use and settlement patterns, employment and health and safety. Impacts on population and human health due to interactions with other environmental factors (e.g. water, noise, air quality and climate and landscape and visual) are considered separately under the relevant heading of the EIAR.

9.4.2. The site is located within an urban area with retail, commercial and residential land uses in the vicinity. The proposed development is consistent with the pattern of development in the area.

9.4.3. During the construction phase there will be a positive economic impact as a result of employment and economic activity generated by the development. The construction

phase may give rise to some short-terms risks to health and safety related to construction traffic and migration of contaminants / emissions (e.g. air, water, noise). An appellant has raised an issue with the ongoing construction activity that they have had to endure with the redevelopment of the Frascati Centre, this is noted. With respect to construction, I am satisfied that health and safety impacts arising from construction are not unique or particularly challenging and that the mitigation measures set out in the EIAR are designed to minimise any potential impacts. This will include adherence to Health and Safety Regulations, a Construction Management Plan and Construction and Demolition Waste Management Plan. I am satisfied, subject to the implementation of the mitigation measures, that significant impacts would not arise. During the operational phase there will be positive socio-economic impacts due to the provision of housing, population growth and increased economic activity in the area. The cumulative impact of the proposed development will be a further increase in population. I note that there are other developments not yet decided upon or permitted or under construction in the wider area that would have similar impacts. I am satisfied that the cumulative impacts will be largely positive (increased population and services) and mitigated by conditions.

9.4.4. I have considered all of the written submissions made in relation to population and human health, specifically construction activity. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of population and human health. I am also satisfied that cumulative effects are not likely to arise.

Archaeology and Cultural Heritage

9.4.5. Archaeology and Cultural Heritage is addressed in Chapter 4 of the EIAR. The application site is located to the west of the historic core of Blackrock. There are no recorded monuments, protected structures, architectural conservation areas or other cultural heritage designations within the site. The site once housed Frascati House, dating from 1739. This house was removed in 1983. The closest recorded monument is located c. 250 m east of the proposed development on Main Street, Blackrock and no artifacts or remains have been recorded in the area. The impact on archaeology is therefore considered to be neutral.

9.4.6. The proposed ‘Phase 3’ development is not close to Protected Structures numbers 8-16 Mount Merrion Avenue or St. Andrew’s Presbyterian Church to the north and north west of the site. Visual interaction between the proposed development and the structures along Mount Merrion Avenue will be minimal. The current proposal is therefore reasonable within an urban context and, while visible within the wider townscape context, would not have a significant adverse impact on the character or setting of protected structures. There are no other developments permitted or proposed within the immediate vicinity of other protected structures and I am satisfied that negative cumulative impacts would not arise.

9.4.7. I have considered all of the written submissions made in relation to archaeology and cultural heritage. I am satisfied that no potential impacts arise. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect or cumulative impacts in terms of archaeology and cultural heritage.

Biodiversity

9.4.8. Chapter 5 of the EIAR describes potential impacts on Biodiversity. The site is located within an urban area. The main habitat on site is buildings and artificial surfaces. There are grass verges and clusters and lines of trees along the perimeter of the site. The site has limited biodiversity value due to the extent of hardstanding and lack of seminatural vegetation. No birds or mammals that required further assessment were identified during survey. No non-native invasive species were identified.

9.4.9. The site is not within or adjacent to an area that is designated for nature conservation purposes and no protected species were found during survey. The impact of the proposed development on European sites is addressed in detail in Section 8.0 of this report. Having regard to the nature and scale of the development and the level of separation from European sites, it is concluded that the proposed development is not likely to have significant effects on any European site, whether considered alone or in combination with other projects. During the construction phase there is a risk to surface waters given the presence of the culverted Priory Stream on the site. The potential for impacts on water during the construction and operational phases is considered separately under the environmental factor of water. The potential for construction related biodiversity impacts is considered unlikely

given the limited flora and fauna within the site and the absence of substantial site clearance works.

9.4.10. Some appellants and observers have raised issues to do with light pollution during the operational phase of the development. I note that an outline construction and lighting plan was requested as per FI item 3(d). In this respect the issue of operational lighting was addressed in the Bat Report submitted with the application and an updated lighting plan drawing forms part of Appendix 1 of FI received by the planning authority and prepared by Enviroguide. I am satisfied that any risks to biodiversity are negligible and that the risks will be adequately addressed by the mitigation measures detailed in the EIAR. In terms of cumulative impacts, given the negligible impact of the proposed development I am satisfied that the issue of cumulative impacts does not arise.

9.4.11. I have considered all of the written submissions made in relation to biodiversity. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of biodiversity. I am also satisfied that cumulative effects are not likely to arise.

Landscape & Visual Impact

9.4.12. Chapter 6 of the EIAR describes the landscape and visual effects of the proposed development. The likely significant landscape and visual impacts have been described and assessed by the panning authority and can summarised below.

9.4.13. The site is at a transitional location between Blackrock District Centre and lower density residential areas that extend from the centre. Negative visual effects during the construction phase will be localised and short-term in nature. The greatest potential for impact arises during the operational phase. In summary, the proposed development would involve a transition in scale relative to low density housing to the north, south and west of the site and will be visible locally and on medium range views within the area. However, the lands are designated, for the most part, for district centre uses and the overall scale and character of the proposed development is in keeping with the evolving character of the wider district centre. I consider that the area can absorb a development of the nature and scale proposed and that the

resulting impact on the landscape/townscape would be moderate and generally positive. The potential for overbearance impacts on adjacent residential properties to the north and west is identified in Section 7.3 above. However, these impacts are localised in nature and are not considered to be significant in the context of the wider environment. There is potential for cumulative visual and landscape impacts arising from the wider redevelopment of the Frascati site and from the redevelopment of the Blackrock Shopping Centre and Enterprise House to the immediate east. I consider that any potential cumulative impacts are generally positive and in keeping with national and local policy.

9.4.14. I have considered all of the written submissions made in relation to landscape and visual impact and the relevant contents of the file including the EIAR. On the basis of the information provided, I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of noise or vibration. I am also satisfied that any potential for cumulative effects would be positive.

Land and Soils

9.4.15. Chapter 7 of the EIAR describes the potential impacts on land and soils. The site is covered by buildings and hardstanding for the most part. GSI data indicates that the receiving land and soil environment comprises granite bedrock with till soil over. The groundwater aquifer underlying the site is classified as a Poor Aquifer which is generally unproductive except for in local zones. The groundwater vulnerability is classified as moderate and high within the site.

9.4.16. The proposed works are on top of the existing centre and involve only minor excavations for buried services and foundations. Due to the relatively limited nature of excavations and the presence of existing foundations no effects on land and soil are anticipated during the construction or operational phases and no cumulative impacts are anticipated. I am satisfied, subject to the mitigation and monitoring measures set out in the EIAR, that the proposed development would not have significant impacts on land and soil.

9.4.17. I have considered all of the written submissions made in relation to land and soil and the relevant contents of the file including the EIAR. I am satisfied that impacts identified on land and soil would be avoided, managed and/or mitigated by measures that form part of the proposed scheme, by the proposed mitigation measures and with suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of land and soil. I am also satisfied that cumulative effects are not likely to arise.

Water

9.4.18. Chapter 8 of the EIAR deals with hydrology and water services. The site is served by public water and drainage networks. The Priory Stream runs through the northern section of the site and is culverted through the site. Storm water runoff from the site outfalls to the Priory Stream via an existing stormwater network.

9.4.19. During the construction and occupational phases there is potential for impacts on the water environment should contaminants such as sediments or other pollutants entering the surface water system due to leaks or spillages. Construction management measures are proposed in order to the protect the receiving local environment (EIAR and Outline Construction Management Plan refers). During the occupational phase the proposed development will drain to the existing storm water network within the site. There are petrol interceptors in place at the discharge points. Proposed green roofs will reduce the net volume and improve the quality of outflow from the site. This represents a positive impact. Ground water impacts are not envisaged. The site is within Flood Zone C with a low risk of flooding. I am satisfied that risks outlined above can be avoided, managed and mitigated through the design and construction management practices detailed in the EIAR. There are other developments permitted or under construction within the area that would have similar impacts to those described above. Given the scale of the proposed development and the capacity of the surrounding receiving environment to accommodate urban development, I consider that significant cumulative impacts are not likely.

9.4.20. I have considered all of the written submissions made in relation to water. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed

development would not have any unacceptable direct or indirect impacts in terms of water. I am also satisfied that cumulative effects are not likely to arise.

Air Quality and Climate

9.4.21. Chapter 9 of the EIAR deals with Air Quality and Climate. The existing ambient air quality in the area is typical of an urban city location. The greatest potential for impact to air during the construction phase of the development is from dust and particulate matter arising from construction works and traffic movements associated with the development. This specific matter has been raised by appellants and reference is made to the long construction period that has already been endured by local residents. Demolition forms a part of the proposed development, with 20,000 m^3 of building volume to be removed. Consequently the dust emission magnitude from this phase of the development amounts to a medium risk classification. However, the EIAR concludes that impacts to human health impacts will be low and standard mitigation measures will be implemented as part of the construction and demolition waste management plan.

9.4.22. In terms of climate there is potential for greenhouse gas emissions associated with the use of construction vehicles, generators etc. but given the scale of the development it is considered that impacts would be negligible. During the operational phase, the primary source of air and climatic emissions is from traffic related emissions. The proposed development would have a negligible impact on local traffic conditions (Transportation Assessment refers) and this has been accepted by the planning authority. It is, therefore, considered that climate impacts associated with the proposed development would be imperceptible. Given the nature and scale of the development proposed and the imperceptible nature of impacts arising, I am satisfied that no cumulative impacts would arise in respect of air and climate during construction and operational phases.

9.4.23. I have considered all of the written submissions made in relation to Climate and Air. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of

air quality and climate. I am also satisfied that cumulative effects are not likely to arise.

Noise and Vibration

9.4.24. Chapter 10 of the EIAR addresses Noise and Vibration impacts. The EIAR described the receiving ambient noise climate and an assessment of potential noise and vibration impacts associated with the proposed development during construction / and operational phases.

9.4.25. The noise climate at this location is dominated by road traffic noise and other urban noise, and intermittently by periods of heavy construction. Noise surveys were undertaken in October 2013 (prior to the commencement of redevelopment works) to identify the ambient noise levels. During the construction phase there is potential for an increase in noise and vibration emissions associated with construction activities and construction traffic. The EIAR outlines noise control measures proposed to mitigate the impacts. I am satisfied, subject to the implementation of the mitigation measures, that significant noise impacts would not arise. During the operational phase no significant outward noise impacts are envisaged. There is potential for inward noise impacts to proposed units due to noise emissions associated with the wider commercial use of the site (e.g. traffic, deliveries, electrical and mechanical plant). I am satisfied that the potential inward noise impacts can be suitably mitigated through good acoustic design. This can be addressed through condition. No significant vibration impacts are envisaged. No cumulative impacts are anticipated as other works within the site and on adjacent sites are largely completed.

9.4.26. I have considered all of the written submissions made in relation to noise and vibration. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of noise or vibration. I am also satisfied that cumulative effects are not likely to arise.

Microclimate

9.4.27. Chapter 11 of the EAIR refers to microclimate impacts associated with the proposed development.

9.4.28. The EIAR finds that the principle aspect of microclimate that will be affected by the proposed development is the local wind environment. However, due to the minimal heights (up to 27 metres above ground level) involved it is not anticipated that the local wind environment will be adversely impacted upon. Even when combined with permitted and existing development associated with the Frascati Centre, the comfort afforded to the occupants of the local area will not be adversely impacted upon.

9.4.29. I have considered all of the written submissions made in relation to microclimate. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of microclimate. I am also satisfied that cumulative effects are not likely to arise.

Daylight and Sunlight

9.4.30. Chapter 12 of the EIAR addresses Daylight and Sunlight Impacts. The impact on sunlight and daylight conditions to properties in the immediate vicinity are described and assessed under the planning assessment in Section 7.3 of my report.

9.4.31. The greatest potential for impact arising is during the operational phase of the development, when works are all complete. The planning assessment concludes that the proposed development would not have a significant negative impact on adjacent residential properties to the south due to a reduction in daylight and sunlight. This is primarily due to the overall reduction in height of the development now proposed and the location of the block to the north of existing houses.

9.4.32. I am satisfied that significant environmental impacts will not arise due to daylight, sunlight impacts. It is considered that any cumulative impacts in conjunction with other developments within the District Centre (Frascati Centre, Blackrock Shopping Centre and Enterprise House) would not be significant in nature given the low-medium building heights and the open nature of the lands.

9.4.33. I have considered all of the written submissions made in relation to daylight and sunlight. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in

terms of daylight and sunlight. I am also satisfied that cumulative effects are not likely to arise.

Material Assets

9.4.34. The proposed development will have a positive impact on the existing urban environment by making efficient use of services urban land and providing for a mix of uses at sustainable densities on lands that are designated for district centre uses and higher densities.

Material Assets – Transport Infrastructure

9.4.35. The Board should note that the planning authority raised no issues with the traffic and transport element of the proposal, as the site lies within an area that is well served by many transport options, both public and private. The cumulative impact of the proposed and permitted developments would have a negligible impact on traffic conditions in the area during construction and operational phases. Subject to appropriate mitigation and management no significant construction or operational phase impacts, or cumulative impacts are envisaged.

Material Assets – Natural Gas, Electricity, Telecoms, Water Services, Waste

9.4.36. Services and utilities located in the area are underground for the most part. Best practice will be implemented to ensure that the existing services and utilities are protected during the construction phase. No operational phase impacts are anticipated. In terms of waste, site specific waste management plans have been submitted with the application for the operational and construction phases of the development. Subject to appropriate mitigation and management no significant construction or operational phase impacts, or cumulative impacts are not envisaged.

Material Assets Conclusion

9.4.37. I have considered all of the written submissions made in relation to material assets. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of material assets. I am also satisfied that cumulative effects are not likely to arise.

9.5. Interactions between Environmental Factors

9.5.1. Section 15 of the EIAR deals with the interactions between environmental factors. The primary interactions are summarised in the EIAR as follows:

- Design / Landscape and Visual
- Design / Daylight and Sunlight
- Surface Water / Landscape Design
- Visual Impact / Architectural Heritage
- Noise and Vibration / Population and Human Health
- Air Quality and Climate / Population and Human Health
- Material Assets / Population and Human Health, Water, Noise and Vibration, Air Quality and Climate.

9.5.2. The various interactions have been described in the EIAR and have been considered in the course of this EIA. I have considered the interrelationships between factors and whether these might as a whole affect the environment, even though the effects may be acceptable on an individual basis. In conclusion, I am generally satisfied that effects arising can be avoided, managed and mitigated by the measures which form part of the proposed development, mitigation measures, and suitable conditions.

9.6. Reasoned Conclusion on the Significant Effects

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

- Significant direct positive effects with regard to population and material assets due to the increase and variety in the housing stock in the area.
- Visual and landscape effects due to the change in scale close to existing 1 - 5 storey residential properties, including existing apartment blocks on site. Given the location of the site within the built-up area of Blackrock and on lands zoned District Centre the effects are considered to be generally positive and in line with national and local planning policy. The potential for effects on adjacent residential properties

due to overbearance, are localised in nature and are not considered significant in the context of the wider environment.

- Potential effects arising from noise during construction which will be mitigated by appropriate management measures.

- Potential effects arising from daylight and sunlight impacts on neighbouring residential properties are localised in nature and are not considered to be significant in the context of the wider environment.

- Potential indirect effects on surface water which will be mitigated during the phase construction by appropriate management measures to control emissions of sediment and pollutants to water and during the occupation phase by surface water management and attenuation and the drainage of foul effluent to the public foul sewerage system.

9.6.2. The EIAR has considered that the main significant direct and indirect effects on the environment that would be likely to arise as a consequence of the proposed development. The effects would be mitigated to an acceptable degree by environmental management measures detailed in the EIAR, and no residual significant negative impacts would remain. I am, therefore, satisfied that the proposed development would not have any unacceptable direct or indirect effects on the environment.

10.0 **Recommendation**

10.1. Having regard to the foregoing I recommend that permission for the above described development as amended by further information received by the planning authority dated 7 June 2022, be granted for the following reasons and considerations subject to conditions.

11.0 **Reasons and Considerations**

Having regard to the zoning of the site, the pattern of development in the vicinity of the site, the nature and extent of the proposed development, and the provisions of the Dun Laoghaire Rathdown County Council Development Plan 2022-2028 and Blackrock Local Area Plan 2015, it is considered that, subject to compliance with the

conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be acceptable in terms of traffic safety and convenience and would not set an undesirable precedent for similar developments in the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

12.0 **Conditions**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 7th day of June 2022 and by the plans and particulars received by An Bord Pleanála, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. All environmental mitigation measures set out in the Environmental Impact Assessment Report (Chapter 15 of the EIAR) and associated documentation submitted by the developer with the application, by way of further information and the appeal shall be implemented in full except as may otherwise be required in order to comply with the conditions of this order.

Reason: In the interest of clarity and to protect the environment during the construction and operational phases of the development.

3. Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be as submitted with the application, unless otherwise agreed in writing with, the planning authority prior to commencement of

development. In default of agreement the matters in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of visual amenity

4. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development/installation of lighting. Such lighting shall be provided prior to the making available for occupation of any unit.

Reason: In the interests of amenity and public safety.

5. Proposals for a street, building and public space naming scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all street signs and dwelling numbers, shall be provided in accordance with the agreed scheme. No advertisements / marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed names.

Reason: In the interest of urban legibility.

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

Reason: In the interests of public health.

7. The developer shall enter into water and wastewater connection agreements with Irish Water, prior to commencement of development.

Reason: In the interest of public health.

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

(b) The palette of materials to be used, including street furniture, paving etc to be used in public spaces shall be agreed in writing with the planning authority prior to the commencement of development on the site.

Reason: In the interest of residential and visual amenity.

9. All trees within and on the boundaries of the site shall be retained and maintained, with the exception of the following:

(a) Specific trees, the removal of which is authorised in writing by the planning authority to facilitate the development.

(b) Trees which are agreed in writing by the planning authority to be dead, dying or dangerous through disease or storm damage, following submission of a qualified tree surgeon's report, and which shall be replaced with agreed specimens.

Retained trees shall be protected from damage during construction works. Within a period of six months following the substantial completion of the proposed development, any planting which is damaged or dies shall be replaced with others of similar size and species, together with replacement planting required under paragraph (b) of this condition.

Reason: In the interest of visual amenity.

10. No trench, embankment or pipe run shall be located within three metres of any trees which are to be retained on the site.

Reason: To prevent damage to the root systems of trees.

11. All planting/landscaping required to comply with the specification of the landscaping scheme submitted to the planning authority shall be maintained, and if any tree or plant dies or is otherwise lost within a period of five years, it shall be

replaced by a plant of the same species, variety and size within the planting season following such loss.

Reason: In the interest of visual amenity.

12. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of public open spaces, roads and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to occupation of the development.

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

13. Prior to the occupation of the development, a Parking Management Plan shall be prepared for the development and shall be submitted to and agreed in writing with the planning authority. This plan shall provide for the permanent retention of the designated residential parking spaces and shall indicate how these and other spaces within the development shall be assigned, segregated by use and how the car park shall be continually managed.

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

14. Final design details in respect of surface level visitor / short-term bicycle parking, shall be submitted to and agreed in writing with the planning authority prior to the commencement of development on the site. Details to be agreed shall include the proportion and location of cycle parking spaces to be provided as covered spaces and the design of parking structures.

Reason: To ensure that a satisfactory quality of bicycle parking is available to encourage sustainable travel patterns.

15. Prior to the opening/occupation of the development, a Mobility Management Strategy shall be submitted to and agreed in writing with the planning authority. This shall provide for incentives to encourage the use of public transport, cycling, walking and carpooling by residents / occupants / staff employed in the development and to reduce and regulate the extent of parking. The mobility strategy shall be prepared and implemented by the management company for all units within the development.

Reason: In the interest of encouraging the use of sustainable modes of transport.

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

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

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

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

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

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

a) Location of the site and materials compounds including areas identified for the storage of construction refuse.

b) Location of areas for construction site offices and staff facilities.

c) Details of site security fencing and hoardings.

d) Details of on-site car parking facilities for site workers during construction.

e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site.

f) Measures to obviate queuing of construction traffic on the adjoining road network.

g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network.

h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works.

i) Details of appropriate mitigation measures for noise, dust and vibration, and the location and frequency of monitoring of such levels.

j) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater.

k) Means to ensure that surface water run-off is controlled such that no silt or other pollutants / contaminants enter local surface water sewers or drains.

l) A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

m) Measure to fully remediate the site in accordance with a Construction Stage Invasive Plant Species Management plan, in advance of the commencement of construction activities.

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

19. A suitably qualified / experienced Ecologist shall be appointed in the role of Ecological Clerk of Works, who shall be responsible for the implementation, management and monitoring of the identified construction mitigation measures, and the Construction and Environmental Management Plan.

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

20. Construction and demolition waste shall be managed in accordance with a finalised Construction and Demolition Waste Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the "Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects", published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, including contaminated materials, and details of the methods and locations to be employed for the prevention, minimisation, handling, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated. Full project waste disposal records shall be maintained and be available for inspection by the planning authority.

Reason: In the interest of sustainable waste management.

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

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

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

22. Prior to the commencement of any own door apartment unit in the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each own-door unit), pursuant to Section 47 of the Planning and Development Act 2000, that restricts such own door units permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.

Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.

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

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

24. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

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

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.

Stephen Rhys Thomas
Senior Planning Inspector

10 May 2023