



An  
Bord  
Pleanála

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

### **Inspector's Report ABP-314458-22**

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#### **Strategic Housing Development**

Demolition of buildings on site,  
construction of 457 no. apartments,  
creche and associated site works.

#### **Location**

North West corner of Omni Park  
Shopping Centre, Santry and Santry  
Hall Industrial Estate, Swords Road,  
Dublin 9. ([www.omniplazashd.ie](http://www.omniplazashd.ie))

#### **Planning Authority**

Dublin City Council North

#### **Prospective Applicant**

Serendale Limited

#### **Prescribed Bodies**

- (1) DAA
- (2) TII
- (3) Irish Water

#### **Third Party Submission**

- (1) Cllr Alison Gililand
- (2) Anne O'Neill

- (3) Anne O'Rourke
- (4) Barry & Christine Carroll
- (5) Donna O'Keefe
- (6) ES Kinsella
- (7) David & Eileen O'Reilly
- (8) Felix O'Toole
- (9) Frank Keoghan
- (10) Gregory Bor
- (11) Joan & Brendan Keenan
- (12) John Conway & Louth  
Environmental Group
- (13) Cllr. John Lyons
- (14) Karen, Eileen & Andrew  
McKenna
- (15) Ken Lyons
- (16) Patrice Roe
- (17) Roisin Shorthall TD
- (18) Santry Forum

**Date of Site Inspection**

16<sup>th</sup> November 2022

**Inspector**

Colin McBride

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## **1.0 Introduction**

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

## **2.0 Site Location and Description**

- 2.1 The site, which has a stated area of 2.5 hectares, consists of a large single storey warehouse located on the northwest corner of the Omni Park Shopping Centre, Santry, Dublin 9. The site adjoins a large Aldi store and is separated by a c. 2m high block wall. To the south of the site, within the Omni Park complex, is the Omniplex cinema. Car parking associated with overall Omni Park is located centrally, to the south of the site. The Shanliss housing estate is located to the west of the site. The gardens of traditional two storey semi-detached dwellings (Shanliss Avenue) bound the site along the west. The site is currently accessed from the Santry Hall Industrial Estate.

## **3.0 Proposed Strategic Housing Development**

- 3.1 The proposal as per the submitted public notices is for a seven year permission for the demolition of existing buildings (including 2 no. ESB sub stations) and the construction of a mixed use residential (457 apartments) and commercial development ranging in height from 4 to 12 storeys over basement in four blocks, with internal residential amenity space, childcare facility, community building and two retail/café/restaurant units.

The overall residential unit mix proposed comprises: 1 no. studio apartment, 221 no. 1-bed apartments, 211 no. 2-bed apartments and 24 no. 3-bed apartments.

The residential Blocks are broke down as follows:

Block A: 83 no. units from 4 to 8 storeys in height;

Block B: 76 no. units from 4 to 8 storeys in height;

Block C: 165 no. units from 9 to 12 storeys in height;

Block D: 133 no. units from 10 to 11 storeys in height;

The proposed development will also provide for: 2 no. retail/café/restaurants totalling 430.9sqm, 1 no. residential amenity space of 604.9sqm; 1 no. crèche of 225.7sqm (plus playground of 210sqm); and 1 no. community space of 195.3sqm.

Public realm improvements and amenity facilities to include:

1. Upgrade of existing footpaths to provide 2 no. new shared surface access routes through the existing Omni Park Shopping Centre development providing direct access for pedestrians and cyclists to the subject development from the Swords Road and Omni Park Shopping centre.
2. Provision of a new public plaza to the northeast corner of Omni Park Shopping Centre, providing access to the Swords Road including pedestrian and cyclist access routes (as substantially permitted under planning permission ref: ABP-307011-20).
3. Provision of a new public plaza to the northwest corner of the existing Omni Park Shopping centre integrating the proposed development with the existing district centre lands; provision of which shall require amendments to existing car park layout and a reduction of 104 no. existing commercial car parking spaces.
4. Public and communal open spaces (incl. 2 no. playgrounds) and internal communal residential amenity for the residential development and private residential amenity in the form of terraces and balconies to all elevations.

The development will include provision of access to a basement via a ramp to be located within the Omni Park Shopping centre development proximate to the IMC Cinema. The provision of 768 no. bicycle parking spaces (504 at basement and 264 at surface).

The provision of 213 no. basement car parking spaces including 11 No. accessible spaces and 22 no. EV charging points. In addition, 7 no. motorcycle parking spaces are provided at basement.

The development entails the reconfiguration of existing car parking to the northwest of Omni Park Shopping Centre with a net reduction of 104 no. commercial car parking spaces to allow for the provision of a new public plaza. Reconfiguration shall provide for the provision of 7 no. crèche drop-off spaces and 6 no. car share spaces to facilitate the proposed development.

Emergency services/servicing access to the rear of existing retail premises at Omni Park Shopping centre from the Swords Roads.

Provision of 5 no. ESB Substations including the relocation of an existing substation.

All associated and ancillary site development, demolition and clearance works, hoarding during construction, revisions to car parking within the Omni Park Shopping centre, soft and hard landscaping. Public realm works, public lighting and signage, ancillary spaces, plant including photovoltaic panels, water infrastructure, utilities and services.

An Environmental Impact Assessment Report has been prepared in respect of the application.

**Table 1: Key Figures**

<b>Gross Site Area</b>	2.5 hectares
<b>Net Site Area</b>	1.5 hectares (main body of the site excluding parts of the Omni SC and pathway through Omni Living site)
<b>Site Coverage</b>	28%
<b>Plot Ratio</b>	2.6

<b>No. of Houses</b>	0
<b>No. of Apartments</b>	457
<b>Total</b>	457
<b>Commercial/childcare</b>	2 no. retail units 430.9 sq m Crche 225.7 sq m
<b>Density – Total Site Area</b>	295 units per hectare (net density)
<b>Public Open Space Provision</b>	2,039 sq m
<b>Communal Open Space</b>	3,552 sq m
<b>Car Parking – Apartments/ Residents EV Parking Car Share Total</b>	213 22 6 241
<b>Bicycle Parking</b>	768
<b>Motorcycle Parking</b>	7

**Table 2: Unit Mix**

	<b>Bedrooms</b>				
<b>Block</b>	<b>Studio</b>	<b>1 Bed</b>	<b>2 Bed</b>	<b>3 Bed</b>	<b>Total</b>
<b>A</b>	1	42	27	13	83
<b>B</b>	0	41	35	0	76
<b>C</b>	0	94	71	0	165
<b>D</b>	0	44	78	11	133
<b>Total</b>	<b>1 – 0.2%</b>	<b>221 – 48.4%</b>	<b>211 – 46.2%</b>	<b>24 – 5.3%</b>	

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

- Planning Report and Statement of Consistency – John Spain Associates.
- Material Contravention Statement – John Spain Associates.
- Material Contravention Statement (Draft Development Plan) – John Spain Associates.
- Statement of Response to An Bord Pleanála Opinion – John Spain Associates.
- Santry Community and Local Needs Audit – John Spain Associates.
- Environmental Impact Assessment Report and Non-Technical Summary – AWN Consultants.
- Basement Impact Assessment – AWN Consultants.
- Construction and Environmental Management Plan – AWN Consultants.
- Universal Design Statement – John Fleming Architects.
- Omni District Centre Land Use Analysis – John Fleming Architects.
- Building Lifecycle Report – John Fleming Architects.
- Landscape Design Report – Murray & Associates.
- Landscape and Visual Impact Assessment – Murray & Associates.
- Aboricultural Inventory and Impact Assessment – Murray & Associates.
- Engineering Planning Report – Eireng Consulting Engineers.
- Site Specific Flood Risk Assessment – Eireng Consulting Engineers.
- Operational Waste Management Plan – Eireng Consulting Engineers.
- Resource and Waste Management – Eireng Consulting Engineers.
- Planning Structural Design Report – Eireng Consulting Engineers.
- Transportation Assessment Report – NRB Consulting Engineers.
- Retail Impact Report – Mason Owen and Lyons.
- Public Lighting Calculation Report and Public Lighting Layout – Sabre Electrical Services.
- Daylight and Sunlight Assessment Report – 3D Design Bureau.
- Verified Views and CGIs – 3D Design Bureau.
- Impact of Wind on Microclimate Effects & Pedestrian Comfort – B-Fluid.

- Telecommunications Impact Assessment – ISM.
- Appropriate Assessment Screening Report – Altemar Ltd.
- Operational Management Plan – Serendale Ltd.

## 4.0 Planning History

### 4.1 The subject site

4.1.1 Reg Ref 2540/13 Permission granted for an increase in the height of the existing Cold Store Building and construction of a new delivery building at the side of the existing building (decision July 2013).

4.1.2 Reg Ref 2151/12 Permission granted for the change of use from light industrial use to recreational use, new signage and all ancillary works (decision March 2012).

### 4.2 In the vicinity of the site

4.2.1 ABP 307011-20 Permission granted for an SHD application on lands to the northeast of the Omni Park Shopping Centre for a mixed use development (5-12 storeys) owned by the applicant (decision September 2020).

4.2.2 ABP 310910-21 Permission refused for 350 no. apartments and 5 no retail/commercial units as there was no material contravention statement submitted in relation to the proposed unit mix (decision November 2021).

4.2.3 ABP 303358-18 Permission granted for an SHD application (S146B ABP 303358-20) for 112 residential units ranging from 3 storeys to 6 no storeys and 3 no commercial unit (decision April 2019).

## 5.0 Section 5 Pre Application Consultation

5.1 A Section 5 Consultation meeting took place at the offices of An Bord Pleanála on the 28th of April 2022. Representatives of the prospective applicant, Dublin City

Council, An Bord Pleanála were in attendance. The development as described would comprise of the demolition of existing buildings (including 2 no. ESB sub stations) and the construction of a mixed use residential (468 apartments) and commercial development ranging in height from 4 to 13 storeys over basement in four blocks, with childcare facility, community facility and two retail/café/restaurant units.

- 5.2 An Bord Pleanála was of the opinion having regard to the consultation meeting and the submission of the Planning Authority, that the documents submitted with the request to enter into consultations require further consideration and amendment to constitute a reasonable basis for an application for strategic housing development. An Bord Pleanála considers that the following issues need to be addressed in the documents submitted that could result in them constituting a reasonable basis for an application for strategic housing development.

#### Urban Design Response

1. Further consideration and/or justification of the documents as they relate to design response of the proposed development to the site and the surrounding environment. The further consideration and/or clarification should clearly indicate:
  - (a) sufficient permeability from the site through the Omni Park to provide appropriate linkages to the Malahide Road for pedestrians/cyclists,
  - (b) the design rationale for the proposed design, scale and mass of the buildings within the Omni Park to ensure an attractive high-quality residential environment is achieved.

Particular regard should be had 12 criteria set out in the Urban Design Manual which accompanies the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (May 2009) and the requirement for good design and the inclusion of a sense of place.

#### Irish Water

2. Further consideration and/ or justification of the documents as they relate to the proposed wastewater services. In particular, the consideration/clarification should

address the contents of the submission from Irish Water concerning the need for all works and/or agreements necessary to facilitate the connection and/or upgrade of the development to wastewater infrastructure. Clarity is required at application stage as to what upgrade works are required, who is to deliver these works, when are the works to be delivered relative to the completion of the proposed housing development and whether such upgrade works are to be the subject of separate consent processes.

Furthermore, pursuant to article 285(5)(b) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant was notified that, in addition to the requirements as specified in articles 297 and 298 of the Planning and Development (Strategic Housing Development) Regulations 2017, the following specific information should be submitted with any application for permission:

1. A report that specifically addresses the proposed materials and finishes to the scheme including specific detailing of finishes, the treatment of balconies in the apartment buildings, landscaped areas, pathways, entrances, boundary treatment/s and retail/ commercial/ crèche area. Particular regard should be had to the requirement to provide high quality and sustainable finishes and details which seek to create a distinctive character for the development. The documents should also have regard to the long-term management and maintenance of the proposed development and a life cycle report for the apartments in accordance with section 6.3 of the Sustainable Urban Housing: Design Standards for New Apartments (2020).
2. A report that specifically addresses the impact of the proposed development on the services and retail product within the existing Omniplex Park. The report shall address the quantum of retail/commercial and residential proposed and the consideration of the Z4, mixed use zoning.

3. Additional Computer-Generated Images (CGIs) and visualisation/cross section drawings should elaborate on the visual impact of the proposed development in the context of the impact of the residential area to the west of the site.
4. A Traffic and Transport Assessment including, inter alia, a rationale for the proposed car parking provision should be prepared, to include details of car parking management, car share schemes and a mobility management plan.
5. A quantitative and qualitative assessment which provides a breakdown of the communal and public open space. The assessment shall detail the functionality of the public space and shall disregard any areas required for circulation space such as footpaths between buildings etc.
6. A detailed landscaping plan clearly illustrating the quantum and functionality of all areas designated for communal and public open space. The landscaping details shall include, inter alia, designated communal open space, the inclusion of useable space for play provision necessary to comply with Section 4.13 of the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities and the design, a detailed trees survey and proposed tree planting scheme and shall clearly indicate the quantum and designated areas of useable public open space.
7. Design of the proposed surface water management system including attenuation features and cross sections of all SuDS features proposed on site in the context of surface water management on the site, discharge rates equal to greenfield sites, integration of appropriate phased works
8. Submission of Wind and Pedestrian Comfort Study.
9. Submission of a Construction Management Plan.

10. A specific impact assessment of the micro-climatic effects such as down-draft which shall include measures to avoid/ mitigate such micro-climatic effects.

11.A Traffic and Transport Assessment which addresses the concerns of the Transport Section in relation to the car parking management on the site having regard to the ratio proposed and the residential access into the wider Omniplex Park.

12.Where the applicant considers that the proposed strategic housing development would materially contravene the relevant development plan or local area plan, other than in relation to the zoning of the land, a statement indicating the plan objective(s) concerned and why permission should, nonetheless, be granted for the proposed development, having regard to a consideration specified in section 37(2)(b) of the Planning and Development Act 2000. Notices published pursuant to Section 8(1)(a) of the Act of 2016 and Article 292 (1) of the Regulations of 2017, shall refer to any such statement in the prescribed format. The notice and statement should clearly indicate which Planning Authority statutory plan it is proposed to materially contravene.

13.An updated Sunlight/Daylight/Overshadowing analysis showing an acceptable level of residential amenity for future occupiers and existing residents, which includes details on the standards achieved within the proposed residential units, in private and shared open space, and in public areas within the development and in adjacent properties. This report should address the full extent of requirements of BRE209/BS2011, as applicable.

14.In accordance with section 5(5)(b) of the Act of 2016, as amended, any application made on foot of this opinion should be accompanied by a statement that in the prospective applicant's opinion the proposal is consistent with the relevant objectives of the development plan for the area. Such statement should have regard to the development plan or local area plan in place or, likely to be in place, at the

date of the decision of the Board in respect of any application for permission under section 4 of the Act.

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

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

5.4 Applicants Statement

5.4.1 A report prepared by John Spain & Associates, entitled 'Statement of Response to An Bord Pleanála Opinion' and was submitted in accordance with Section 8(1)(iv) of the Act of 2016. The proposed development is similar to that proposed in consultation with some revisions in response to the tripartite meeting and An Bord Pleanála Opinion, and the revisions include:

- Revisions to the number of units proposed with reduction from 468 no. units to 457, increased bicycle parking from 694 to 768.
- Revision to red line boundary and inclusion of entry plaza associated with the permitted Omni Living scheme to the east.
- Reduction in height of Block C from 13 to 12 storeys of the southern tower element, reduction of central part of Block C from 10 to 9 storeys and reduction of rear section of the Block from 11 to 9 storeys to improve light levels to the eastern part of the site.

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

Issue 1- Urban Design: JFA Architects have prepared an Architectural Design Statement and Murray and Associates have prepared a Landscape Design Statement.

- a) In response revisions include incorporation of the approved Sword Road entry plaza approved as part of the Omni Living SHD scheme (ABP-307011-20) and improvement of southern and northern pedestrian linkages. Pedestrian permeability and linkages are a priority with good linkages and permeability through the site and to the Swords Road and Omni Shopping Centre.
- b) The Architectural Design Statement addresses the issue of the design rationale for the proposed design and scale with reference to a framework strategy that takes into account the site context in terms of permitted and existing development in the vicinity, its location on high frequency public transport corridor, the varied massing and height taking account of location adjoining lower density dwellings. External finishes.

Issue 2 – Waste Water Services:

Irish Water

- 2. An Engineering Services Report prepared by EirEng clarifies proposals for surface water incorporating SUDs measures and foul water drainage.

Furthermore, pursuant to article 285(5)(b) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant was notified that, in addition to the requirements as specified in articles 297 and 298 of the Planning and Development (Strategic Housing Development) Regulations 2017, the following specific information should be submitted with any application for permission:

- 1. The Architectural Design Statement outlines the proposed external finishes and a Landscape Design Report sets out materials for landscaped areas. A Housing Quality Assessment sets out details of amenity spaces and A Building Lifecycle Report has also been submitted.

2. A report entitled Omni District Centre Land Use Analysis prepared by John Fleming Architects has been included as well as a report prepared by Mason Owen & Lyons (MOL) entitled The Impact of the Proposed Development of: Omni Plaza SHD on Existing Retail and Services Provision at Omni Park Shopping and District Centre. These reports indicate the proposal will provide for an increased population accessible to the commercial development and enhance the viability of the commercial development and provide a better mix of uses at this location.

3. The applicants have submitted additional CGI images (2 additional images to provide a total of 7 in addition to 11 verified views. The Landscape and Visual Impact Assessment prepared by Murray and Associates elaborates regarding the visual impact of the development from the verified views.

4. A Transport Assessment Report (TAR) has been prepared by NRB Consulting Engineers. The TAR outlines the details of traffic impact, parking provision, public transport provision, justification for parking provision and overall traffic management for the proposal.

5. A Landscape Design Statement has been prepared by Murray and Associates outlining the quantitative and qualitative provision of open space and how such meets the required standards under Development Plan standards and the recommendations of the Apartment Guidelines.

6. A detailed landscaping plan, tree survey and Landscape Design Statement have been submitted.

7. The Engineering Services Report prepared by Eireng provides details of the surface management system.

8. A Wind Microclimatic and Pedestrian Comfort Study has been prepared by B-Fluid. This report specifically addresses micro-climatic effects such as down-draft.

9. A Construction and Environmental Management Plan has been prepared by AWN.

10. A Wind Microclimatic and Pedestrian Comfort Study has been prepared by B-Fluid. This report concludes no adverse wind speed of climatic conditions.

11. A Transport Assessment Report (TAR) has been prepared by NRB Consulting Engineers. The TAR outlines the details existing traffic management systems in place in the Omni Park Shopping Centre to prevent long stay parking.

12. A Statement of Material Contravention of the Dublin City Development Plan 2016-2022 has been prepared by John Spain Associates. The statement sets out in what cases the development can be considered to materially contravene Development plan policy and why permission should be granted in the context of section 37(2)(b) of the Planning and Development Act 2000. A separate Statement of Consistency with the Draft Dublin City Development Plan 2022-2028 has also been prepared by John Spain Associates.

13. A Daylight and Sunlight Assessment Report has been prepared by 3DDB in accordance with the requirements of BRE209. The report demonstrates that in conjunction with the permitted SHD development (ABP-307011-20) there will be perceptible reductions to some commercial properties in the vicinity, the impact on daylight and sunlight will be negligible in relation to all neighbouring properties. The report demonstrates that the level of daylight and sunlight within the proposed development will be of sufficient standard and quality for future occupants.

## **6.0 Relevant Planning Policy**

### **National Policy**

#### **6.1.1 Project Ireland 2040 - National Planning Framework**

Chapter 4 of the Framework addresses the issue of 'making stronger urban places' and sets out a range of objectives which it is considered will assist in achieving

same. National Policy Objective 4 sets out to ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.

The directly relevant National Policy Objectives as contained within the NPF include: National Policy Objective 3a: Deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements.

National Policy Objective 3b: Deliver at least half (50%) of all new homes that are targeted in the five Cities and suburbs of Dublin, Cork, Limerick, Galway and Waterford, within their existing built-up footprints.

National Policy Objective 11: In meeting urban development requirements, there will be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth.

National Policy Objective 13: In urban areas, planning and related standards, including in particular building height and car parking will be based on performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.

National Policy Objective 35: Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

National Policy Objective 57 sets out to enhance water quality and resource management, this includes the requirement to ensure that flood risk management informs place making by avoiding inappropriate development in areas at risk of

flooding in accordance with The Planning System and Flood Risk Management Guidelines for Planning Authorities.

#### 6.1.2 Relevant Section 28 Ministerial Guidelines:

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual')
- Design Manual for Urban Roads and Streets (Interim Advice Note Covid -19, May 2020)
- Guidelines for Planning Authorities on Urban Development and Building Heights, 2018
- Sustainable Urban Housing: Design Standards for New Apartments (2020),
- The Planning System and Flood Risk Management (including associated Technical Appendices).
- Appropriate Assessment of Plans and Projects in Ireland – Guidelines for Planning Authorities (2009).
- The Housing for All (September 2021).

#### 6.2 Regional Policy

- Regional Spatial and Economic Strategy (RSES) for Eastern and Midland Assembly, 2019

#### 6.3 Local policy

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

The Dublin City Development Plan 2016-2022 is the operative Development Plan for the area. The site is zoned Objective Z4 (District Centres) which aims “to provide for and improve mixed-service facilities”. The Dublin City Development Plan 2016 further elaborates on the Z4 Zoning Objective:

“District centres, which include urban villages, provide a far higher level of services than neighbourhood centres. They have outlets of greater size selling goods or providing services of a higher order, and their catchment area extends spatially to a far greater area than that of neighbourhood centres (see Chapter 7 and Appendix 3 for details of policies, standards and the retail strategy). As the top tier of the urban centres outside the city centre, key district centres have been identified which will provide a comprehensive range of commercial and community services. These centres often attract large volumes of traffic and should, therefore, be well served by public transport.

To maintain their role as district centres, new development should enhance their attractiveness and safety for pedestrians and a diversity of uses should be promoted to maintain their vitality throughout the day and evening. In this regard, opportunity should be taken to use the levels above ground level for additional commercial/retail/ services or residential use with appropriate social facilities. Higher densities will be permitted in district centres, particularly where they are well served by public transport. The district centre can provide a focal point for the delivery of integrated services and the designated key district centres have, or will have in the future, the capacity to deliver on a range of requirements, the most important of which are:

- An increased density of development
- A viable retail and commercial core
- A comprehensive range of high-quality community and social services
- A distinctive spatial identity with a high quality physical environment”.

The policy chapters, especially Chapters 4 – Shape and Structure of the City, 5 – Quality Housing, and 12 – Sustainable Communities and Neighbourhoods, detailing the policies and objectives for residential development, making good neighbourhoods and standards respectively, should be consulted to inform any proposed residential development. Policy SC25 in Chapter 4, concerns the promotion of development which incorporates exemplary standards of high-quality, sustainable and inclusive urban design, urban form and architecture befitting the

city's environment and heritage and its diverse range of locally distinctive neighbourhoods, such that they positively contribute to the city's built and natural environments. This relates to the design quality of general development across the city, with the aim of achieving excellence in the ordinary, and which includes the creation of new landmarks and public spaces where appropriate. (Chapter 16 deals with Development Standards: Design, Layout, Mix of Uses and Sustainable Design. Section 16.7.2 deals with Height Limits and Areas for Low-rise, Mid-Rise and Taller Development, Section 16.10 – Standards for Residential Accommodation).

Permissible uses under the Z4 Zoning (Section 18.8.4) include residential, shop (district), shop (neighbourhood), community facility, childcare facility and restaurant uses.

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

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

The following policies are also considered relevant:

- Policy QH3 – 10% of the land zoned for residential uses should provide for social housing;
- Policy QH5 – Address the housing shortfall through active land management;
- Policy QH6 – Provide for sustainable neighbourhoods with a variety of housing types;
- Policy QH7 – Promote sustainable urban densities;
- Policy QH8 – Promote the development of vacant and under-utilised sites;
- Policy QH10 – Promote the development of permeable schemes and discourage the provision of gated residential schemes;
- Policy QH11 – Promotion of safety and security in new developments;
- Policy QH12 – Promote the development of energy efficient schemes;

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

Section 16.7.2 of the City Development Plan refers to 'Height Limits and Areas for Low-Rise, Mid-Rise and Taller Development'. Height is measured in terms of metres and '16 m equates to 5 storeys residential or 4 commercial generally'. The subject site is located within a designated 'Outer City Area' and a height of 16 m applies here; this is considered to be Low-rise.

#### Section 16.5 Plot Ratio

##### Z4 District Centres Plot Ratio 2.0

A higher plot ratio may be permitted in certain circumstances such as:

- Adjoining major public transport termini and corridors, where an appropriate mix of residential and commercial uses is proposed.
- To facilitate comprehensive re-development in areas in need of urban renewal.
- To maintain existing streetscape profiles.
- Where a site already has the benefit of a higher plot ratio.
- To facilitate the strategic role of institutions such as hospitals.

#### Section 16.6 Site Coverage

##### Z4 District Centres Indicative Site Coverage 80%.

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

Section 4.5.3 - Making a More Compact Sustainable City;

Section 4.5.9 – Urban Form & Architecture;

Section 9.5.4 - Sustainable Urban Drainage Systems (SUDS);

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

Section 16.2 – Design, Principles & Standards.

Section 16.10 - Standards for Residential Accommodation.

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

## **7.0 Third Party Submissions**

7.1 A total of 18 third party submissions were received.

7.2 Submissions, prepared by...

Cllr Alison Gililand.

Anne O'Neill.

Anne O'Rourke.

Barry & Christine Carroll.

Donna O'Keefe.

E S Kinsella.

Davis & Eileen O'Reilly.

Felix O'Toole.

Frank Keoghan.

Gergely Bor.

Joan & Brendan Keenan.

BKC Solicitors on behalf of John Conway and Louth Environmental Group

Cllr. John Lyons.

Karen, Eileen & Andrew McKenna

Ken Lyons

Patricia Roe

Roisin Shortall TD

Santry Forum

7.3 The submissions from residents/ members of the public, grouped under appropriate headings, can be summarised as follows.

#### 7.3.1 Scale of development

- The height, scale and massing of the development is considered to be excessive and out of character at this location. The proposal is considered to be overdevelopment of the site.

#### 7.3.2 Compliance with Development Plan policy

- The submission highlight the proposal is contrary policies regarding height, density, plot ratio and site coverage.
- The proposal material contravenes Development Plan policy in regards to height but also the Z4 zoning objective due to the proportion of residential development proposed.
- The proposal is contrary to policies in the Draft Development Plan regarding density, height, plot ratio and site coverage.
- The area is designated a Key Urban Village under the Draft Dublin City Development Plan and the proposal is premature pending provision of local area plan for this area.
- Proposal is contrary Development Plan policy for transitional zones with the inappropriate scale of development adjoining other zonings including residential.

#### 7.3.3 Infrastructure, community infrastructure capacity:

- Concerns are expressed regarding the lack of capacity of existing services, infrastructure and community services/facilities to cater for the level of population increase proposed, it noted lack of capacity for additional traffic in the area, lack of capacity within existing public transport infrastructure, lack of capacity in terms of wastewater, and lack of capacity in terms of schools and medical services.

- Concern is expressed about the cumulative impact of the development with other proposed and permitted large scale residential scheme in the area and that inadequate consideration is given to the capacity of the area to cater for significant population increase,

#### 7.3.4 Design and Height:

- The height and scale of the development will negatively impact on adjoining houses.
- The proposed development is too high, for this site/ location. The area is characterised by low-rise development. The proposed development would be overbearing and dominant in this location.
- The proposed scheme represents overdevelopment of this site.
- The height will materially contravene the Dublin City Development Plan and insufficient justification for this has been provided. Maximum permitted height is 16 m and the proposed development indicates a height of c.41m.
- The photomontages submitted does not adequately demonstrate the overall visual and detrimental impact of the proposal.

#### 7.3.5 Impact on Residential Amenity:

- The proposed development will give rise to overlooking of adjoining properties, leading to a loss of privacy.
- Concerns are expressed regarding the quality of the residential development proposed in terms of unit type, configuration, separation distances between blocks and the lack of provision of family oriented units with concern regarding lack of community/transient populations, potential future ownership of the development (build to rent).
- There is a need for age friendly accommodation in the area and this development does not provide this.

#### 7.3.6 Traffic:

- The area is already experiencing traffic congestion along the Swords Road. With the impact of additional traffic exacerbating such.
- Level of parking provision is inadequate.
- Proposed access through existing shopping centre is inappropriate with traffic capacity issues currently and no suitable alternative access. Loss of existing spaces within the shopping centre is inappropriate in the context of loss of spaces to facilitate a permitted development (Omni Living).
- Insufficient provision made for EV vehicles.

#### 7.3.7 Childcare Provision:

- Under estimate for childcare need.
- Shortage of childcare provision in the area.
- Shortage of school places in the area.

#### 7.3.8 Water Infrastructure and Drainage:

- Concern about the available capacity in services in the area.

#### 7.3.9 Environment and Natural Heritage:

- Impact on air quality through additional traffic as well impact on airflow due to excessive height of proposed structures.

#### 7.3.10 Other Issues

John Conway and the Louth Environmental Group request that the development be refused as the:

- Urban Development and Building Heights Guidelines 2018 and Apartment Guidelines 2020 are ultra vires and not authorised by the Planning and Development Act 2000 as amended. The Board cannot grant permission on the basis that it would be justified by reference to the section 28 Building Height

Guidelines and the Apartment Guidelines. These guidelines and the specific planning policy requirements contained therein are ultra vires and not authorised by section 28(1C) of the Planning and Development Act 2000 (as amended). The section 28 guidelines are contrary to the SEA Directive, insofar as they purport to authorise contravention of the development plan, without an SEA being conducted, or screening for SEA being conducted, on the variations being brought about to the development plan/local area plan as a result of same

- The Board lacks the ecological and scientific expertise to examine the EIA screening report as required under Article 5(3)(b) of the EIA Directive. The proposed development and submitted documentation does not comply with the requirements of the Planning and Development Act, 2000, the Planning and Development Regulations, 2001 or the EIA Directive.
- Inadequate Assessment has been carried out to the potential hydrological connection between Santry Demesne pNHA, North Dublin Bay pNHA and the site via Santry River.
- The information submitted by the applicant in respect of AA Screening is insufficient, contains lacunae and is not based on appropriate scientific expertise. As such the Board cannot comply with the requirements of the Habitats Directive and relevant provisions under national law under the Planning and Development Act 2000.

## **8.0 Planning Authority Submission**

- 8.1. The Chief Executive's report, in accordance with the requirements of section 8(5)(a) of the Act of 2016, was received by An Bord Pleanála on the 25<sup>th</sup> of October 2022. The report details the site location/ site zoning, provides a description of the proposed development, details pre-submission meetings, planning history, lists the issues in the received submissions, the internal reports of Dublin Council are summarised, details the relevant Development Plan policies and objectives, and provides a planning assessment of the development. The Planning Authority

recommended refusal based on three reason which are outlined at the end of this section.

8.2 The CE report, in Appendix B, also includes a summary of the views of the elected members of the North Central Area Committee held on the 23<sup>rd</sup> of September 2022, and these are outlined as follows:

- Concern was regarding lack of CGI photographs illustrating impact in relation the dwellings along Shanliss Avenue.
- Clarification was sought regarding the entrance and access to the site, in particular status of an entrance above Block D and whether such is signalised.
- A Traffic Management Plan is required for the area given existing traffic issues in the area with consideration of the impact of the Bus Connects implementation. The elected members questioned the reasoning behind a reduction of 104 car parking spaces in the Shopping Centre and the impact of such parking overspill into the surrounding area. The members question whether the level of parking is sufficient for the number of units proposed.
- Concern is expressed regarding there being sufficient school spaces as claimed in Community Social Audit in terms of the cumulative impact of other SHD projects in the area.
- Concern is expressed regarding the mass, density and mix of units proposed in addition to other large scale proposal in the area with clarity required whether the development is a built to rent/sell development.
- Concern is expressed regarding the height proposed, its visual impact on the skyline and the view as expressed that the proposal should be declined on the basis of material contravention in terms of height, lack of community facilities and the need for more public infrastructure in the area.
- Transformation of industrial lands.
- Dissatisfaction is expressed regarding the SHD system.
- Concern is expressed regarding drainage and foul sewer assessment and note that assessment by Irish Water should be on cumulative basis with other large scale developments proposed in the area.

- Concern is expressed regarding the long list of material contraventions of both the Development Plan and Draft Development Plan.
- The members questioned whether the proposal is a material contravention of the Z4 zoning of the site due to it being 99% residential in nature.
- The members question whether the community facility will be private or open to the public and whether its size is sufficient for the level of development.
- Clarification was sought regarding segregation of the public plaza from community space in addition to questions regarding crèche capacity.
- The members questioned the viability of use of the existing access road into shopping centre and how it would impact the residents of Lorcan Road. The issue of bike safety in terms of the lack of bicycle or bus lanes on Santry Avenue or permeability in the surrounding area.
- The design of the public plaza and its proximity commercial activities to such was questioned.
- The elected members concluded that the development should be declined due a number of material contraventions and the lack of a Key Urban Village Plan to assess developments at this location.

8.3 A summary of the submissions made by third parties is provided and a full list of who made these submissions. Submissions were grouped under the following headings:

- Scale, height, massing & visual impact
- Neighbouring amenity, overbearing impact, overshadowing, overlooking.
- Inadequate amenity for future occupants in terms of unit mix, design layout and separation distances.
- Traffic impact, existing congestion, insufficient parking, capacity of existing public transport
- Lack of capacity in terms of community facilities, school and medical services.
- Inadequate provision for pedestrians.
- Contrary development Plan policy in terms of zoning, height, density and plot ratio.

- Premature pending provision of local area plan for area designed as Key Urban Village.
- Mix of units in appropriate, potential for transient population/lack of community.
- Lack of character or sense of place, dominant provision of residential use and lack of cultural.
- Lack of capacity in terms of drainage infrastructure.

8.4 A submission has been received from Irish Water.

8.5 Interdepartmental Reports have been received from the Drainage Division, Transportation Planning Division, Parks & Landscaping Department, Conservation Section and Archaeology Section.

8.6 Planning Assessment

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

**Z4 Zoning:**

- The CE Report identifies that the development is predominantly residential in nature and that the Z4 zoning provides for mixed use developments and that development with greater mix of uses would more compatible with the Z4 zoning objective.

**Transitional Zone:**

- The site is a transitional zone with lands zoned Z1 to the west and Z6 to the north. Development plan policy under Section 14.7 requires avoidance of development detrimental to the amenities of more environmentally sensitive zones with the CE report highlight the need to avoid abrupt transition in scale in transitional zones.

**Plot ratio, Site Coverage and Density:**

- The CE report indicates concern regarding the density or the proposal on what is regarded an isolated backland site with concerns regarding its contribution to place-making. The stated site coverage of 28% is below the indicative standard of 80% for Z4 zoning. The plot ratio of 2.6 is above the stated standard of 2.0 for Z4 lands. Concern is expressed regarding the plot ratio, density and height at this location with the plot ratio higher than that of permitted development in the vicinity (Omni Living and Swiss Cottage).

### **Design and Layout:**

- A number of concerns are identified in relation design and layout.
- A pinch point of 4.5m between Block D and the boundary with Lidl.
- The proximity and height of Block A and B in relation to dwellings that back onto the site at Shanliss Avenue and impact in terms of overlooking, overshadowing and overbearing impact.
- Inadequate separation between blocks within the proposal which are up to 12 stores with impact on future amenity.
- The backland nature of the site and its location adjoining existing commercial development is noted. The CE report is critical of the pedestrian connection in terms of the fact it is through areas dominated by vehicular movements.
- The dominance of residential uses in the scheme will not lead to variety in terms of uses proposed.

### **Height and Visual Impact:**

- The height and scale is considered to be to have a negative impact the character, visual and residential amenity of the area being an incongruent transition from the scale of surrounding residential development.
- The development is considered to be of unacceptable scale and height and fails to integrate with the area and contribute towards urban place-making.
- In this case the exceedance of the height limit prescribed by the City Development Plan is not acceptable.

### **Landscaping and Tree planting:**

- There is a requirement of 10% of the site area to be public open space.

### **Open Space:**

- Reference is made to the recommendation of the Parks, Biodiversity and Landscaping report. It is noted that public open space 13% of the site area is provided and that such will attain sufficient sunlight access.

### **Housing Quality:**

- Failure to meet requirements of SPPR 4 in relation to dual aspect apartments.
- 103 of the 457 have access to balconies through bedrooms only which is contrary the recommendations of the Apartment Guidelines.
- In relation to ADF values concern are expressed when the IS EN 17037 standard is assessed with a significant number of ground and first floor units not meeting the % of area above 300 Lux, due to depth of rooms, block layout and the number of single aspect units.
- Concern is expressed that a number of areas of outdoor amenity space do not receive at least 2 hours of sunlight on March 21<sup>st</sup>.
- Concern is expressed regarding privacy between units with Blocks due to separation distances above ground floor level.
- Security concerns regarding routes with no direct link into amenity spaces.
- Concern regarding the usability of the full area of communal open space given lack of integration with buildings they serve.
- The quality of units questioned in terms of percentage of single-aspect units, long length of corridors, access through bedroom to balconies and limited level of natural light.
- Concern about impact on existing residential amenities due to separation, height and scale with concerns regarding overbearing impact, overlooking and shading of private amenity spaces associated with existing dwellings.
- Issues regarding capacity of community infrastructure is noted with the cumulative impact of large scale developments.

- The childcare requirement for the proposal would be c. 62/63 children with provision being for 45-47. A condition should be applied requiring the crèche play area to be fully enclosed.
- In relation transportation reference is made to the Transport Planning Division report. It is noted that sustainable transport modes have not been adequately facilitated as part of this residential development, in particular bicycle parking provision.

### **Conclusion:**

- The Planning Authority conclude that the development is unacceptable in its current form and recommend that permission should be refused based on three reasons...

1. The proposed development by reason of its height, scale, massing, density and proximity to site boundaries is considered overdevelopment of the site and would adversely impact on the amenities of existing adjacent properties by way of undue overlooking and would be visually overbearing when viewed from existing residential properties on Shanliss Avenue. The proposed development is contrary to Section 14.7 of the City Development Plan 2016-2022 in that it would be detrimental to the amenities of the more environmentally sensitive Z1 zone adjacent to the application site, and would therefore seriously injure the amenities of property in the vicinity, be contrary to the Dublin City development plan 2016-2022 and be contrary to the proper planning and sustainable development of the area.

2. The proposed development will provide an inadequate standard of residential amenity for future occupants of the scheme as a result of design elements which do not comply with the minimum standards as set out in the Dublin City Development Plan 2016-2022 and the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (December 2020). The proposal does not comply with SPPR 4 in terms of the number of dual aspect units, provides units which have private amenity space in the form of balconies accessed solely from bedrooms, and units with poor levels of privacy and natural light given the

design of blocks and limited separation distances. The proposed development would result in an unsatisfactory level of residential amenity for future occupants of the scheme and would, therefore, be contrary to the provisions of Sustainable Urban Housing: design Standards for New Apartments Guidelines for Planning Authorities (December 2020), the Dublin City development Plan 2016-2022 and to the proper planning and sustainable development of the area.

3. The propose development by reason of its backland location, excessive height, overall scale and close proximity to site boundaries, which would not integrate satisfactorily with the existing area, and would unduly impact on the character and visual amenity of the receiving environment. The proposed development would be discordant relative to the established height profile of the receiving environment at this location. The proposed development would, therefore, be contrary to Section 16.7 of the Dublin City Development Plan 2016-2022 and the Urban Development and Building Height Guidelines for Planning Authorities December (2018) and be contrary to the proper planning and sustainable development of the area.

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

- Archaeology Section report: No objection subject to condition.
- Air Quality Monitoring & Noise Control Unit: No objection subject to conditions including requirement for an acoustics report.
- Planning & Property Development Department: Part V obligations.
- Parks, Biodiversity & Landscape Services: No objection subject to conditions.
- Transportation Planning Division: A number of points are noted including inconsistencies in the number of bicycle parking (including motorcycle parking identified) in the report submitted, concern regarding the number of bicycle parking space provided and its on-site management. No objection subject to conditions.

- Waste Regulation Technical Officer: development does not address a number of requirements regarding waste collection, waste recovery, invasive plant species and asbestos disposal.
- Drainage Division: A number of details require agreement prior to commencement of development including interception storage, green roofs, attenuation permeable paving, tree pits connection to public surface water network. A number of conditions are outlined.

## 9.0 Prescribed Bodies

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

1. Irish Water
2. Transport Infrastructure Ireland
3. National Transport Authority (no response)
4. Dublin City Childcare Committee (no response)
5. Irish Aviation Authority (no response)
6. Dublin Airport Operator
7. Fingal County Council (no response)

9.2. The following is a brief summary of the issues raised.

9.2.1 DAA: The DAA request that a condition be applied requiring the developer to agree any proposal for crane operation in advance of construction with the DAA and Irish Aviation Authority.

9.2.2 TII: the TII has no observation to make.

9.2.3 Irish Water: Irish Water has issued a Confirmation of Feasibility for the proposed development to connect to the public water and wastewater networks. The applicant

has engaged with Irish Water and has submitted design proposals. The following points are made:

In respect of Water: Feasible subject to upgrades.

In respect of Wastewater: Feasible subject to upgrades.

A statement of Design Acceptance was issued by Irish Water.

Irish Water requests the Board apply a number of conditions in the event of a grant of permission.

- 'The applicant must sign a connection agreement with Irish Water prior to any works commencing and to connecting to our network'.
- 'Where any proposals by the applicant to build over or divert existing water or wastewater services the applicant is required to submit details to Irish Water for assessment of feasibility and have written confirmation of feasibility of diversion(s) from Irish Water prior to any commencement of works'.
- 'All development is to be carried out in compliance with Irish Water Standards codes and practices'.

## **10.0 Oral Hearing Request**

- 10.1 Santry Forum requested an Oral Hearing; however, Section 18 of the Planning and Development (Housing) and Residential Tenancies Act, 2016, provides for such a hearing if there is a compelling case and I have considered that the provided information does not warrant an oral hearing.

## **11.0 Assessment**

- 11.1 The Board has received a planning application for a housing scheme under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016. Having examined the application details and all other documentation on file, including the Chief Executive's Report from the Planning Authority and all of the

submissions received in relation to the application, and having inspected the site, and having regard to the relevant local/regional/national policies and guidance, I consider that the main issues in this application are as follows:

11.2 In addition, the assessment considers, and addresses issues raised by any observations on file, under relevant headings. I have visited the site and its environs.

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

- Principle of Development
- Development Height
- Design and Layout
- Visual Impact
- Residential Amenity – Future Occupants
- Residential Amenity – Existing/ Adjacent Residents
- Transportation, Traffic and Parking
- Infrastructure and Flood Risk
- Demand on social infrastructure/Area Capacity
- Other Matters
- Material Contravention
- Appropriate Assessment Screening
- Environmental Impact Assessment Screening

#### 11.4 **Principle of Development**

11.4.1 Having regard to the nature and scale of proposed development which is in the form of a mixed use residential (457 apartments) and commercial development ranging in height from 4 to 12 storeys over basement in four blocks, with internal residential amenity space, childcare facility, community building and two retail/café/restaurant units on lands zoned for District Centres under the Z4 zoning objective, I am of the opinion that the proposed development falls within the definition of Strategic

Housing Development as set out in Section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

11.4.2 The subject site is zoned 'Z4 – District Centres in the Dublin City Development Plan 2016 – 2022 with the objective 'to provide for and improve mixed-services facilities'. This zoning objective permits residential, childcare, community uses, retail and café uses with all such identified as 'permissible uses'. I am satisfied that the development is in accordance with the Z4 zoning objective.

11.4.3 It is national and local policy to maximise the use of available lands and in established urban areas. The site is zoned Z4, which is for mixed use development, the site is currently unused having previously had a commercial use. The site is adjacent an existing Shopping Centre (south and east of site), commercial development to the north and residential development to the west. I would consider that the proposed development is acceptable in principle.

11.4.4 The application is accompanied by two reports, Omni District Centre Land Use Analysis (JA) and a Retail Impact Report (Mason Owen and Lyons). The first report outlines the nature of uses and floor area of such uses within the Omni Park centre (Omni Park, plus application and site of permitted Omni Living Scheme). The Land use report shows that there is currently a mix between commercial (94,454sqm/77%) and industrial uses (28,483sqm/23%) and that if permitted the proposed development in conjunction with the permitted Omni Living scheme will provide for 28,483sqm or 23% of floor area. The Retail Impact report concludes that the permitted and proposed residential development will support the retail function of the existing centre and the existing centre has current vacant space with capacity to absorb increased demand that may be generated by the additional residential development.

11.4.5 The application seeks a 7 year permission with the justification for such based on the timeline to completion and how it would accord with services upgrades in the area. The board may grant permission for such a longer period under section 41 of

the Act, having regard to the nature and extent of the proposed development and any other material considerations. The documents (CEMP) included envisage an up to 42 month construction period and completion date anticipated to be within 2025. I am of the view that there is insufficient justification for facilitating a longer than the standard five year permission given the projected construction period is well within the confines of a standard 5 year permission.

**11.4.6 CE Reports Comment:** The Planning Authority, through the CE Report raised concerns regarding compliance with zoning policy in that the development is predominantly residential in nature in an area zoned for mixed use. Concern was also raised regarding compliance with development plan policy for transitional zones with the site immediately adjoining areas Zones Z1 (Sustainable Residential Neighbourhoods) and Z7 Employment (Heavy). The Planning Authority consider that the transition in scale between existing development, in particular two-storey residential development to the west is abrupt and fails to have adequate regard to the existing development adjoining the site.

**11.4.7 Conclusion on Section 11.4:** The site is suitably zoned for residential development as well other uses proposed including childcare, café, community and retail uses. The existing Z4 zoning at this location include the Omni Park Shopping centre and permission has been granted for an SHD development of 342 residential units with 1 café/restaurant/retail unit and crèche to the east. The Z4 zoning as it stands is dominated by commercial uses and the provision of suitably integrated residential development is acceptable in principle. I would of be of the view that the provision of the level of residential proposed is not overly dominant in the context of the existing commercial development within the district centre and the provision of a significant population at this location will support the existing retail function of the centre as well as create demand that would ensure the viability and vitality of the centre. I am satisfied that the provision of predominantly residential development is acceptable subject to appropriate design, scale and layout at this location. These aspects of the proposal are to be explored in greater detail in the following sections of this report.

## **11.5 Development Height**

11.5.1 The issue of height was one of the main issues of concern raised in the third-party observations and by the elected members of the North Central Area Committee. From the site visit, it was apparent that the surrounding area, is characterised by two-storey dwellings and low rise commercial buildings. The issue of visual impact and residential impact is considered further in this report. The applicant has also considered that the issue of height is a material contravention issue, and this is also further considered in this report.

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

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

1. At the scale of the relevant city/ town	
Criteria	Response
The site is well served by public transport with high capacity, frequent service and good links to other modes of public transport.	Public transport is available in the form of Dublin Bus Routes 16, 33, 33e, 41, 41b, 41c, 41d, 101, 104 and 220t, with bus stops less than 400 m from the site.
Development proposals incorporating increased building height, including proposals within architecturally sensitive areas, should successfully integrate into/ enhance the character and public realm of the area, having regard to topography, its cultural context, setting of key landmarks, protection of key view.	<ul style="list-style-type: none"> <li>• No protected views, Architectural Conservation Area (ACA), or other architectural/ visual sensitives apply to this site. The development is not located within a landscape character area worthy of particular protection.</li> <li>• Permitted development is close proximity to the site up to 12-storeys (Omni Living scheme to the east).</li> </ul>

Such development proposals shall undertake a landscape and visual assessment, by a suitably qualified practitioner such as a chartered landscape architect.	<ul style="list-style-type: none"> <li>• Verified Views and photomontages have been prepared by 3D Design Bureau in support of the application.</li> <li>• A Landscape and Visual Impact Assessment has been prepared by Murray &amp; Associates.</li> </ul>
On larger urban redevelopment sites, proposed developments should make a positive contribution to place-making, incorporating new streets and public spaces, using massing and height to achieve the required densities but with sufficient variety in scale and form to respond to the scale of adjoining developments and create visual interest in the streetscape.	<ul style="list-style-type: none"> <li>• The site is set back from the public road and does not directly adjoin any street. The development is located north of an existing shopping centre and provides linkages to the existing centre through provision of a public plaza and enhanced pedestrian routes.</li> <li>• The buildings are staggered downwards where they adjoin existing residential development.</li> <li>• An Architectural Design Statement by John Fleming Architects (JFA) has been submitted in support of the development.</li> </ul>
2. At the scale of district/ neighbourhood/ street	
<b>Criteria</b>	<b>Response</b>
The proposal responds to its overall natural and built environment and makes a positive contribution to the urban neighbourhood and streetscape.	<ul style="list-style-type: none"> <li>• The development will provide for strong frontages to the southern sides of Blocks B, C and D where it interacts with the existing shopping centre to the south with the provision of a public plaza at the south east corner of the site.</li> </ul>

<p>The proposal is not monolithic and avoids long, uninterrupted walls of building in the form of slab blocks with materials / building fabric well considered.</p>	<ul style="list-style-type: none"> <li>• Four separate blocks (A and B have a link above ground floor level) are proposed and the blocks are stepped in height having regard to the established character of the area.</li> <li>• The design includes careful articulation of fenestration and detailing that ensure that the massing of the blocks are suitably broken up to ensure that it is not monolithic.</li> </ul>
<p>The proposal enhances the urban design context for public spaces and key thoroughfares and inland waterway/ marine frontage, thereby enabling additional height in development form to be favourably considered in terms of enhancing a sense of scale and enclosure while being in line with the requirements of “The Planning System and Flood Risk Management – Guidelines for Planning Authorities” (2009).</p>	<ul style="list-style-type: none"> <li>• The design provides for a suitable residential development in this area of predominately two-storey houses. Open space is provided on site and which is proposed to be accessible to public use.</li> <li>• The ‘Planning System and Flood Risk Management – Guidelines for Planning Authorities’ (2009) are complied with, and a Site-Specific Flood Risk Assessment has been prepared by Eireng Consulting Engineers.</li> </ul>
<p>The proposal makes a positive contribution to the improvement of legibility through the site or wider urban area within which the development is situated and integrates in a cohesive manner.</p>	<ul style="list-style-type: none"> <li>• Improved legibility is provided in the form of strong elevations.</li> </ul>

<p>The proposal positively contributes to the mix of uses and/ or building/ dwelling typologies available in the neighbourhood.</p>	<ul style="list-style-type: none"> <li>• The proposed development will provide for a mix of one, two-bedroom and three bedroom apartment units. The area is characterised by houses that are generally family sized units and therefore the development will increase the mix of housing types in the area.</li> </ul>
<p>3. At the scale of the site/ building</p>	
Criteria	Response
<p>The form, massing and height of proposed developments should be carefully modulated so as to maximise access to natural daylight, ventilation and views and minimise overshadowing and loss of light.</p>	<ul style="list-style-type: none"> <li>• The development is in the form of four blocks with stepped heights. This allows for good access to natural light and reduces the potential for overshadowing.</li> </ul>
<p>Appropriate and reasonable regard should be taken of quantitative performance approaches to daylight provision outlined in guides like the Building Research Establishment's 'Site Layout Planning for Daylight and Sunlight' (2nd edition) or BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'.</p>	<ul style="list-style-type: none"> <li>• The applicant has engaged the services of 3D design Bureau to prepare a Daylight and Sunlight Analysis, and which is included with the application.</li> </ul>
<p>Where a proposal may not be able to fully meet all the requirements of the daylight provisions above, this has been clearly identified and a</p>	<ul style="list-style-type: none"> <li>• Enlarged floor area.</li> <li>• Oversized balconies.</li> <li>• Dual aspect, provision of bay windows.</li> <li>• Overlooking amenity space.</li> </ul>

<p>rationale for any alternative, compensatory design solutions has been set out, in respect of which the Board has applied its discretion, having regard to local factors including specific site constraints and the balancing of that assessment against the desirability of achieving wider planning objectives. Such objectives might include securing comprehensive urban regeneration and or an effective urban design and streetscape solution.</p>	<ul style="list-style-type: none"> <li>• Higher than required floor to ceiling heights.</li> <li>• Wider than required room dimensions.</li> </ul>
4. Specific Assessment	
Criteria	Response
<p>To support proposals at some or all of these scales, specific assessments may be required and these may include: Specific impact assessment of the micro-climatic effects such as downdraft. Such assessments shall include measures to avoid/ mitigate such micro-climatic effects and, where appropriate, shall include an assessment of the cumulative micro-climatic effects where taller buildings are clustered.</p>	<ul style="list-style-type: none"> <li>• Daylight and Overshadowing analysis have been submitted and demonstrate compliance with standards, as applicable.</li> <li>• B-Fluid have been engaged to provide a Microclimate Wind Analysis and Pedestrian Comfort Report, and no issues of concern are raised.</li> </ul>

In development locations in proximity to sensitive bird and / or bat areas, proposed developments need to consider the potential interaction of the building location, building materials and artificial lighting to impact flight lines and / or collision.	<ul style="list-style-type: none"> <li>• An Appropriate Assessment Screening Report have been submitted.</li> <li>• The site is brownfield urban site not in proximity to sensitive bird and/or bat areas.</li> </ul>
An assessment that the proposal allows for the retention of important telecommunication channels, such as microwave links.	<ul style="list-style-type: none"> <li>• Telecommunications impact Assessment prepared by ISM.</li> </ul>
An assessment that the proposal maintains safe air navigation.	<ul style="list-style-type: none"> <li>• Application was referred to DAA and IAA with a response received from the DAA outlining no objection subject to condition requiring consultation in terms of crane operation.</li> </ul>
An urban design statement including, as appropriate, impact on the historic built environment.	<ul style="list-style-type: none"> <li>• Included with the application is An Architectural Design Statement, prepared by JFA and which demonstrates how the development will integrate into its surroundings.</li> </ul>
Relevant environmental assessment requirements, including SEA, EIA, AA and Ecological Impact Assessment, as appropriate.	<ul style="list-style-type: none"> <li>• SEA not required/ applicable due to the scale of the development.</li> <li>• An EIAR has been submitted.</li> <li>• AA screening report are submitted with the application.</li> </ul>

11.5.4 The above table demonstrates that the development complies with Section 3.2 of the 'Urban Development and Building Height' guidelines and that the criteria are suitably incorporated into the development proposal. Many of the issues identified in the table are assessed in greater depth in the following sections of my report. As the development does not comply with the maximum heights as outlined in the Dublin City Development Plan, it is therefore considered that SPPR 3 applies as follows:

'It is a specific planning policy requirement that where;

- (A) 1. an applicant for planning permission sets out how a development proposal complies with the criteria above; and
2. the assessment of the planning authority concurs, taking account of the wider strategic and national policy parameters set out in the National Planning Framework and these guidelines;

then the planning authority may approve such development, even where specific objectives of the relevant development plan or local area plan may indicate otherwise'.

11.5.5 National and local policy is to provide for increased heights and density on sites that can be demonstrated to be suitable for such development. The above table includes appropriate considerations for such development. A number of the third-party submissions state that this development results in the introduction of a twelve-storey development into an area defined by two-storey houses. The proposed development will provide for a mix of apartment types in an area where there is a requirement for such housing types/ mix of residential unit types.

11.5.6 The issue of Material Contravention is considered further in this report under Section 11.14.

11.5.7 **CE Report Comments:** The Planning Authority, through the CE Report, have raised concerns about the height of the development in the context of impact on

adjoining amenities, visual amenities and the fact that such is not in compliance with development plan policy.

**11.5.8 Conclusion on Section 11.5:** The proposed development contravenes the Dublin City Development Plan in terms of exceeding the maximum permitted height for a development in an area designated as ‘Low Rise’, ‘Outer City’ location. I am satisfied that proposed development demonstrates that it complies with the criteria set out in Section 3.2 of the ‘Urban Development and Building Height’ guidelines and recommend that the Board grant permission for the development having regard to SPR 3, in addition to NPO13 and 35 – which seek to improve urban areas through suitable regeneration and increased densities/ height. The issue of Material Contravention is considered later under Section 11.14 of this report.

## **11.6 Design and Layout**

**11.6.1** As already reported, the site is located on lands that are zoned Z4 and are suitable for residential development. The focus is therefore to integrate such a development into the existing established urban area, in this case the Omni Park Shopping Centre to the south, Santry Hall Industrial Estate to the north and the residential areas to the west (Shaliss).

**11.6.2** The site is located to the north west of Omni Park SC with the existing shopping centre premises adjoining the south and eastern boundaries of the site. The site is currently accessed from the entrance to the Santry Hall Industrial Estate. The proposed development is to be accessed using the existing vehicular entrance to the shopping centre off the Swords Road and the east west running internal access road serving the shopping centre. The development comprises of 4 blocks, Blocks C and D run on a north south axis through the site, with Blocks A and B being L shaped Block located to the west of the site and being linked above ground floor level. There is a public plaza area adjoining the southern portions of Blocks C and D and communal open space areas between Block C and D, between Blocks C and A/B and to the north and west of Blocks A and B. A pedestrian/cycling pathway is proposed running east west to the Swords Road and such runs through an open

space area approved as part of the Omni Living scheme permitted to the east of the site. An enhanced pedestrian cycling pathway is also provided along the northern edge of the existing access road to the shopping centre which provides vehicular access to the site. The proposal provides for site coverage of 28% and a plot ratio of 2.6. The proposal is compliant with development plan standards in relation to site coverage (80% indicated within Z4 zoning) and exceeds the indicated plot ratio (2.0 indicated within the Z4 zoning).

**11.6.3 CE Report Comments:** A number of concerns are identified in relation design and layout. A pinch point of 4.5m between Block D and the boundary with Lidl. The proximity and height of Block A and B in relation to dwellings that back onto the site at Shanliss Avenue and impact in terms of overlooking, overshadowing and overbearing impact. Inadequate separation between blocks within the proposal which are up to 12 storeys with impact on future amenity. The backland nature of the site and its location adjoining existing commercial development is noted. The CE report is critical of the pedestrian connection in terms of the fact it is through areas dominated by vehicular movements. The dominance of residential uses in the scheme will not lead to variety in terms of uses proposed. The CE report is critical of the exceedance of the indicated plot ratio for Z4 zonings under the CDP and that the proposal exceed the plot ratio of permitted developments at the Omni Living site and Swiss Cottage.

**11.6.4 Conclusion of section 11.6:** The site is a backland site currently accessed through Santry Hall Industrial Estate. The proposal entails integration of the proposed development into the Omni Park District Centre with use of the existing access serving the shopping centre. The proposal entails provision of enhanced pedestrian/cycling access to the Swords Road and provision of public plaza at the south east corner of the development and along the northern edge of the existing parking area within the shopping centre. In addition to the public plaza area the proposal entails provision of a high level of communal open space on site with a mixture of hard and soft landscaping, and provision of two play areas. The proposed design is considered to be acceptable for this location. The site is constrained by the available site layout and the applicant has proposed a suitable scale and density

of development on this site. In relation to plot ratio, CDP policy does allow for consideration of higher plot ratios in cases where the site is along major public transport corridors and in the case where comprehensive redevelopment is required. I would consider both are relevant factors in this case. In the case of permitted development the plot ratio proposed (2.6) is marginally above the permitted plot ratio of 2.5 in the case of the Omni Living Scheme (ABP-307011-20). The pinch point referred to between Block D and the boundary with Lidl to the east is still sufficient in width to provide for meaningful pedestrian access and leads to a wider area of communal open space further north. This area is also overlooked by the ground floor community facility. There is no reason to recommend a refusal of permission to the Board in terms of the proposed design and layout.

## **11.7 Visual Impact**

11.7.1 The Architectural Design Statement describes the elevational treatment of these buildings, and which are to consist of a mix of buff coloured brick, cream coloured brick and cement board cladding and contrasting pale brown and off-white coloured self-finished render panels. The balcony structure and balustrades are to be a mixture of glass and bronze coloured steel. The proposed external finishes are acceptable and the final details on the external treatment can be agreed with the Planning Authority by way of condition.

11.7.2 As already reported, the area is characterised by commercial development in form of retail/commercial, retail warehousing, industrial warehousing and two storey houses and the proposed development will introduce buildings up to 12 storeys/c. 41 m in height. The applicant has submitted a number of documents in support of the proposed development and with particular reference to the issue of height as follows:

- Architectural Design Statement by John Fleming Architects
- CGI, Aerial & Verified Views by 3D Design Bureau
- Landscape and Visual Assessment by Murray & Associates

The submitted documents in conjunction with the submitted elevational and contiguous elevational drawings, clearly demonstrate what the visual impact will be on the character of the area.

11.7.3 The primary view that the public will have is from the Swords Road (R132) to the east of the site and the Omni Park Shopping itself to south of the site. The appeal site is set a significant distance back from the public road to the east with a number of intervening structures between the site and the Swords Road in the form of the structures within the shopping centre complex and industrial developments within Santry Hall Industrial Estate. In addition to the east of the site and closer to the Swords Road, a permitted development of 324 residential units and a hotel in three blocks varying from 5-12 storeys. To the north of the site, the nearest public road is Santry Avenue with intervening structures to south including the Santry Hall Industrial Estate and Santry Place, a residential development up to seven-storeys in height. To the south the nearest public road is Shanowen Road with views of the site screened by intervening structures including residential development and a significant bulk of the structures within the Omni Park Shopping centre. To the east is the Shaliss residential area with Shanliss Avenue the nearest public road and with a number of existing dwellings off such backing onto the site. There are intervening structures between the site and public areas to the west in addition to a stepped approach to height of the structures on site with Block A and B on the western side stepped up from four-storeys on the western side up to 8 moving eastwards.

11.7.4 **CE Report Comments:** The height and scale is considered to be to have a negative impact the character, visual and residential amenity of the area being an incongruent transition from the scale of surrounding residential development.

11.7.5 **Conclusion on Section 11.7:** The development is screened from public areas by intervening structures and with a significant buffer between the surrounding public roads and the application site. The visual impact from the north, south and east west are not significantly adverse. The other indicated views from the public realm,

submitted in the CGI, Aerial & Verified Views, do not give rise for concern as the development will form part of the backdrop to the established urban area. Whilst the development will alter the outlook from residential properties to the east and from their private amenity space, the impact from the public areas and dwellings further away will not be significantly adverse. The impact of the development on the residential amenity of dwellings adjoining the site will be considered later in this report.

## **11.8 Residential Amenity – Future Occupants**

11.8.1 Unit Mix: A total of 1 no. studio units, 221 no. one-bedroom units 211 no. two-bedroom units and 24 no. three-bedroom units are proposed. This unit mix is considered to be acceptable. A number of the third party submissions referred to the lack of family/ larger sized apartments and whilst this is correct, it is considered that as the adjoining area consists primarily of family sized homes, the proposed development provides for one and two bedroom units, which are not easily available in this area.

### **SPPR 1**

Housing 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) and there shall be no minimum requirement for apartments with three or more bedrooms. Statutory development plans may specify a mix for apartment and other housing developments, but only further to an evidence-based Housing Need and Demand Assessment (HNDA), that has been agreed on an area, county, city or metropolitan area basis and incorporated into the relevant development plan(s).

11.8.2 Quality of Units – Floor Area: A ‘Housing Quality Assessment’ prepared by JFA has been submitted with the application and this provides a detailed breakdown of each of the proposed apartment units. All units exceed the minimum required floor areas, with 229 units (50.10%) providing for over 110% of the required minimum floor area. The proposed apartments are considered to be acceptable and demonstrate compliance with SPPR 3 of the ‘Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities’.

11.8.3 In terms of aspect 211 of units are dual/triple aspect (46%), with the remaining, 246 being single aspect (54%). 96 of these units are described as enhanced single aspect units (21%). There are no north facing only units.

#### SPPR 4

In relation to the minimum number of dual aspect apartments that may be provided in any single apartment scheme, the following shall apply: (i) A minimum of 33% of dual aspect units will be required in more central and accessible urban locations, where it is necessary to achieve a quality design in response to the subject site characteristics and ensure good street frontage where appropriate in. (ii) In suburban or intermediate locations it is an objective that there shall generally be a minimum of 50% dual aspect apartments in a single scheme. (iii) For building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25ha, planning authorities may exercise further discretion to consider dual aspect unit provision at a level lower than the 33% minimum outlined above on a case-by-case basis, but subject to the achievement of overall high design quality in other aspects.

In relation to this requirement, the provision of dual aspect apartment units is less than 50% (suburban or intermediate location) and more than 33% (central and accessible urban locations). The site is located within a district centre, which can be classified as a central and accessible location given its function in the area. I would note that the permitted Omni Living scheme (ABP 307011-20) to the east on the same zoning has a figure of 45% dual aspect units permitted. The proposal complies with SPP4.

11.8.4 The proposed floor to ceiling heights are in accordance with SPPR 5 of the 'Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities'. The provision of lifts per floor is in compliance with SPPR 6 of the 'Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities'.

11.8.5 In terms of separation distances between blocks vary between 18.091m between Block C and D up to 24.592 between Block A and C, and 25.478m between Block A and B.

11.8.6 **CE report Comments:** The Planning Authority highlight the failure to meet requirements of SPPR 4 in relation to dual aspect apartments and the failure to comply with Development plan policy in relation to unit mix. The Planning Authority is critical of separation distances between blocks in terms of privacy/overlooking.

11.8.7 **Conclusion on Sections 11.8.1 - 11.8.6:** The proposed development provides for an adequate mix of unit types and a mix of unit types consistent SPPR 1 of the Apartment Guidelines (housing 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). The area consists predominately of family sized homes and the development provides for a mix of one- and two-bedroom units, thereby improving the mix of housing types in the area. The internal layout of these units is acceptable and complies with recommended requirements. As stated above the level of provision of dual aspect units is consistent with SPPR4. There is no reason to recommend a refusal of permission to the Board in terms of the unit mix and internal floor area quality. The level of separation between blocks is satisfactory. The shortest separation distance between blocks is 18.091 between Block C and D and I am satisfied that adequate separation distances between blocks has been provided in order to mitigate against any material mutual overlooking between the proposed units.

11.8.8 **Quality of Units – Amenity Space:** All units are provided with adequate private amenity space in the form of balconies for the upper floor units/ terraced areas for the ground floor units. Access is from the living room area for 354 no. units with access to balconies through bedrooms for 103 no. of the units proposed. All balconies have at least 1.5 m depth and provide the required level of private amenity space under the Apartment Guidelines. It is stated under the Apartment Guidelines that “it is preferable that balconies would be primarily accessed from living rooms,

although larger apartments may include wrap around and/or secondary balconies, which should also include a screened clothes drying space”.

11.8.9 The applicant has proposed a total of 3,552 sq m of communal amenity space in the form of 3 no. courtyard areas. Courtyard Area 1 includes two playgrounds for younger and older children and Courtyard 2 the crèche playground, which is functionally separate/enclosed from the area and is not included in the calculation for communal open space. The communal open space is accessible to all units and comprises 23% of the site area. The proposal also includes an area of public open space in the form of a public plaza at the south east corner of the site. This is an area of mainly hard landscaping with some landscaping details with an area of 2039sqm, which is 13% of the site area. The total level of communal and public open space area on site is 36% of the development site area. I note that the Dublin City Council Parks Department do not intend taking the open space in charge and having regard to the location of the development/ open space, it is likely that all areas of communal open space will only be used by the residents of the proposed development whereas the plaza area is accessible to the public. The Landscape Plan prepared by Murray & Associates – Landscape Architects is considered to be of a suitably high quality to serve the future residents of this development.

11.8.10 I am satisfied that the developer has proposed an adequate area of open space on site that would function as an amenity area for the local community. This will be appropriately overlooked ensuring passive surveillance and the space also functions as a buffer between the proposed apartments and the existing houses adjacent to the site.

11.8.11 **CE Report Comments:** The Planning Authority is critical of the high level of units with balcony access through bedrooms only and the configuration communal open space.

11.8.12 **Conclusion on Sections 11.8.7 – 11.8.11:** The proposed development provides for adequate private, communal, and public open space areas. There are 103 units

with access only from bedrooms. There is scope for provision of access from living spaces, which would necessitate some lengthening of balconies and provision of a door in the living space and such is feasible if required and can be dealt with by way of condition. There is no reason to recommend a refusal of permission to the Board in terms of the quality of the amenity spaces.

11.8.13 Daylight and Sunlight: The applicant has engaged the services of 3D design Bureau to assess the impact of the development on daylight and sunlight and a 'Daylight and Sunlight Analysis has been submitted in support of the application. This assessment has been prepared based on best practice guidance set out in the following documents:

- Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice' BRE, 2011 (BR209).
- BS8206 Part 2:2008, Lighting for Buildings, Code of Practice for Daylighting.
- BS EN 17307:2018 – Daylight in Buildings – British Standard
- IS EN 17037: 2018 – Irish Standard
- Sustainable Urban Housing: Design Standards for New Apartments (December 2020)
- Dublin City Development Plan 2016 - 2022

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

11.8.14 Site Sunlight and Shading: The submitted analysis includes an assessment of the communal open space and public open space areas. The BRE requirement is that a minimum of 50% of the amenity space shall receive two or more hours of sunlight on the 21<sup>st</sup> of March. The submitted analysis demonstrates that the BRE requirement is met and exceeded at greater than 60% for all amenity areas. The public plaza achieves 99.4% with Courtyard 1, 2 and 3 achieving values of 71.8%, 66.6% and 34.5% (the communal plays areas achieve standards of 83.6% and 47.7%, with the crèche play area having a value of 93.2%) respectively. The

proposed areas of open space will be provided with adequate daylight and sunlight in accordance with the BRE requirements.

11.8.15 The report includes an analysis of Sunlight exposure (SE). Sunlight exposure (SE) is a measure of sunlight that a given window may expect to receive on a given date between the 1st of February and the 21st of March. The BRE guidelines suggest that March 21st (equinox) is used as the assessment date. The level of sunlight exposure is categorised as follows:

- 1.5 Hours - Minimum
- 3 Hours - Medium
- 4 Hours - High

11.8.16 The recommendation for dwellings is that at least one habitable room, preferably a main living room, should receive at least the minimum criterion. Should no room within a given unit meet the recommended minimum level of sunlight exposure, it will be stated as non-compliant.

11.8.17 The SE assessment has shown that circa 72% of the proposed units meet the criteria for sunlight exposure as set out in the BRE Guidelines. It is set out in the report that the criterion applies to rooms of all orientations, although if a room faces significantly north of due east or west it is unlikely to be met. The report states that it is not always possible to achieve full compliance, especially in developments that contain single aspect units. It is further noted within the report, that BRE makes no recommendation regarding the performance of a development as a whole for SE performance, but the report concluded that the development performs as expected, having regard to overall compliance levels.

11.8.18 Daylight Analysis: Spatial Daylight Autonomy (SDA) assesses whether a space receives sufficient daylight on a working plane during standard operating hours on an annual basis. The target values (BRE 209) differ based on the function of the room assessed:

- 200 Lux for kitchens;
- 150 Lux for living rooms;
- 100 Lux for bedrooms.

I.S. EN17037 provides a target SDA value of at least 50% of the working plane should receive above 300 lux for at least half the daylight hours, with 85% of the working plane receiving above 100 Lux (values do not vary depending on room function).

The analysis undertaken for SDA includes assessment based on BRE 209 and I.S. EN17037 with BRE 209 considered the primary study. The target values of BRE209 are met in case of all rooms except for the kitchens areas serving 22 no. units in Block D with no natural light source (D1-0.1, D1-0.8, D1-1.1, D1-1.8, D1-2.1, D1-2.8, D1-3.1, D1-3.8, D1-4.1, D1-4.8, D1-5.1, D1-5.8, D1-6.1, D1-6.8, D1-7.1, D1-7.8, D1-8.1, D1-8.8, D1-9.1, D1-9.8, D1-10.1, D1-10.8), the LKD room in 3 no. apartments at ground and first floor of Block A (A1-0.5, A1-1.5, A2-0.9) and 1 no. apartment at first floor level of Block C (C1-1.6).

In relation to the I.S. EN 17037 77% (917) of the rooms analysed (Living/Kitchen/Dining and Bedrooms) meet the target values specified.

11.8.19 In addition to an analysis of SDA, the report includes an assessment of daylight levels based on Average Daylight Factor (ADF). The guidelines recommend that in the case of rooms that serve more than one function, the higher of the two minimum ADFs should be demonstrated. The proposed apartments provide for floor plans in which the kitchen/living and dining areas are effectively the one room and I accept that the higher figure may not be achieved for the kitchen area in all cases.

Table 2 of BS8208 Part 2:2008, provides the following minimum Average Daylight Factor (ADF)

- Bedrooms 1%
- Living Rooms 1.5%
- Kitchens 2%

11.8.20 The submitted analysis provides full details of the Average Daylight Factors (ADFs) and a breakdown of the achieved results for all units. In summary, out of 520 rooms that were assessed, 467 or 90% demonstrated compliance with the advisory minimums. Of the 53 rooms that fall short of the advisory minimums, the majority of these would achieve adequate levels of skylight amenity. In the case of spaces that do not achieve the 2% ADF target, suitable compensatory measures have been provided (listed below in Section 11.8.22).

11.8.21 Those units that are below 2% for Living/ Kitchen/ Dining and, include the following (all bedroom spaces are above the 1% value):

<b>Block</b>	<b>Floor</b>	<b>Unit – Room – Kitchen</b>	<b>Kitchen/ Living/ Dining</b>
A1	Ground	A1-0.5 (1 Bed)	1.66
B1	First	B1-1.4 (1 Bed)	1.98
C1	First	C1-1.6 (2 Bed)	1.99
C2	First	C2-1.12 (2 Bed)	1.96
D1	Ground	D1-0.1 (1 bed)	0 (Kitchen only)

D1	Ground	D1-0.8 (1 bed)	0 (Kitchen only)
D1	First	D1-1.1 (1 bed)	0 (Kitchen only)
D1	First	D1-1.8 (1 bed)	0 (Kitchen only)
D1	Second	D1-2.1 (1 bed)	0 (Kitchen only)
D1	Second	D1-2.8 (1 bed)	0 (Kitchen only)
D1	Third	D1-3.1 (1 bed)	0 (Kitchen only)
D1	Third	D1-3.8 (1 bed)	0 (Kitchen only)
D1	Fourth	D1-4.1 (1 bed)	0 (Kitchen only)
D1	Fourth	D1-4.8 (1 bed)	0 (Kitchen only)
D1	Fifth	D1-5.1 (1 bed)	0 (Kitchen only)
D1	Fifth	D1-5.8 (1 bed)	0 (Kitchen only)
D1	Sixth	D1-6.1 (1 bed)	0 (Kitchen only)
D1	Sixth	D1-6.8 (1 bed)	0 (Kitchen only)
D1	Seventh	D1-7.1 (1 bed)	0 (Kitchen only)

D1	Seventh	D1-7.8 (1 bed)	0 (Kitchen only)
D1	Eight	D1-8.1 (1 bed)	0 (Kitchen only)
D1	Eight	D1-8.8 (1 bed)	0 (Kitchen only)
D1	Ninth	D1-9.1 (1 bed)	0 (Kitchen only)
D1	Ninth	D1-9.8 (1 bed)	0 (Kitchen only)
D1	Tenth	D1-10.1 (1 bed)	0 (Kitchen only)
D1	Tenth	D1-10.8 (1 bed)	0 (Kitchen only)

11.8.22 The submitted 3D Design Bureau report clearly indicates which units are below standard in the case of both I.S. EN17037 and BRE 209 target values. In the case of spaces that do not achieve the 2% ADF target for LKD and 1% for bedrooms, compensatory measures have been provided. In this case it is a mixture of a number of measures comprising the following...

Units A1-0.5 LKD, A1-1.5 LKD, A2-0.9 LKD, C1-1.6 LKD

- Enlarged floor area,
- Oversized balconies,
- Dual Aspect, provision of bay windows
- Overlooking amenity space,
- Higher floor to ceiling height,
- Wider room dimensions.

In relation to the 22 units with internal kitchens in block D these units are enlarged units (144%), allowance for greater storage, provision of bay windows, wider room dimensions, enlarged bedroom area (136%) and overlooking green amenity space.

11.8.23 The report refers to Section 6.7 of the Apartment Guidelines which specifies that where standards cannot be met that discretion may be applied. The report outlines that where rooms are compliant with BRE 209 and non-compliant with I.S. EN 17037 it may be the case that the standards under I.S. EN 17037 are exceptionally high rather than an indication of insufficient daylight. Compensatory measures have been incorporated into the design of the proposed development as outlined in the previous section of this report.

11.8.24 **CE Report Comments:** The Planning Authority raise concerns regarding daylight standards within some of the apartment units in particular the failure to meet I.S. EN 17037 targets in a significant number of ground and first floor units due to depth of rooms, block layout and the number of single aspect units. Concern is also expressed that a number of areas of outdoor amenity space do not receive at least 2 hours of sunlight on March 21<sup>st</sup>.

11.8.25 **Conclusion on Daylight and Sunlight Assessments:** The CE report raise concerns regarding daylight standards within the proposed residential units in the context of their assessment based on the standards of I.S. EN 17037 (SDA) as opposed to BRE 'Site Layout Planning for Daylight and Sunlight' (2nd edition) and BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting' (ADF). Section 6.6 of the Apartment Guidelines (2020) state that 'Planning authorities should have regard to quantitative performance approaches to daylight provision outlined in guides like the BRE guide 'Site Layout Planning for Daylight and Sunlight' (2nd edition) or BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'. It should be noted that the standards described in the BRE guidelines are discretionary and are not mandatory policy/criteria and this is reiterated in Paragraph 1.6 of the BRE Guidelines (2nd Edition). This is also reiterated in the 3rd Edition of BRE (published June 2022) which notes that the

guidance is 'is purely advisory and the numerical target values within it may be varied to meet the needs of the development and its location' and Section 1.6 of same states 'the advice given here is not mandatory and the guide should not be seen as an instrument of planning policy; its aim is to help rather than constrain the designer. Although it gives numerical guidelines, these should be interpreted flexibly since natural lighting is only one of many factors in site layout design.' Use of the BRE and BS 8206-2: 2008 for assessing qualitative standards is in keeping with Apartment Guidelines and in the case of the proposed development subject to amendment in some cases the standards of daylight provision in the proposed units is broadly compliant with the target values specified in these guidelines, which are an acceptable benchmark to assess daylight levels.

11.8.26 I have had appropriate and reasonable regard of quantitative performance approaches to daylight provision, as outlined in the BRE 'Site Layout Planning for Daylight and Sunlight' (2nd edition) and BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'. I am satisfied that the design and layout of the scheme has been fully considered alongside relevant sunlight and daylighting factors. The standards achieved, when considering all site factors and the requirement to secure comprehensive urban development of this accessible and serviced site within the Dublin City area, in accordance with national policy guidance, are in my opinion acceptable and will result in an acceptable level of residential amenity for future occupants of this development. Overall, I am satisfied that the proposed development will provide for good daylight and sunlight to the majority of proposed units.

11.8.27 There are a number of units within Block D (22 no. units, D1-0.1, D1-0.8, D1-1.1, D1-1.8, D1-2.1, D1-2.8, D1-3.1, D1-3.8, D1-4.1, D1-4.8, D1-5.1, D1-5.8, D1-6.1, D1-6.8, D1-7.1, D1-7.8, D1-8.1, D1-8.8, D1-9.1, D1-9.8, D1-10.1, D1-10.8)) that provide for kitchen areas separated to the living area with no natural light source. I would question the reason why these apartment units could not be configured in manner to facilitate natural light and amended to be shared LKD configurations that are the

predominant layout for the proposed apartments. This can be dealt with by way of condition.

**11.8.28 Childcare Provision:** The proposed development provides for a total of 457 residential units; with the follow mix of units...

1 no. studio apartment (c.0.2%)

221 no. 1-bedroom apartments (c.48.4%)

211 no. 2-bedroom apartments (c.46.2%)

24 no. 3-bedroom apartments (c.5.2%)

A childcare facility of 225.7 sqm is provided with an external play area of 210sqm. The Planning Report and Statement of Consistency refers to the Sustainable Urban Housing: Design Standards for New Apartments, 2020 which state that 'One-bedroom or studio type units should not generally be considered to contribute to a requirement for any childcare provision and subject to location, this may also apply in part or whole, to units with two or more bedrooms'. There are 235 no. two and three bed units and based on the standards of the 2001 Childcare Guidelines (1 Facility with capacity for 20 children for every 75 units), the requirement is a facility that can cater for 63 children. The report states that the facility being provided has the capacity for between 45-75 children based on a standard of 3-5sqm of floor space per child. The report also notes that a new crèche has opened recently at Santry Place and a crèche is permitted in the Omni Living scheme to the east of the site.

**11.8.29** The Santry Community and Local Needs Audit outlines childcare facility provision with 13 no. facilities within 1km of the site.

**11.8.30 CE Report Comments:** The childcare requirement for the proposal would be c. 62/63 children with provision being for 45-47. A condition should be applied requiring the crèche play area to be fully enclosed.

**11.8.31 Conclusion on Childcare Provision:** The proposed development provides for a mix of studio, one, two and three bed apartments. For the purposes of childcare provision demand is based on two and three bed units and in this case such is 62/63 children. Based on the standards under appendix 13 of the Childcare Guidelines and the design of the crèche proposed would cater for 48 children (based on minimum floor space per child: 2.32 m<sup>2</sup>, exclusive of kitchen, bathroom and hall, furniture or permanent fixtures). I would consider that the demand for childcare as a result of the development is low and that the provision of an on-site crèche facility in conjunction with the level of existing childcare facilities identified under the Santry Community and Local Needs Audit within 1km of the site would be satisfactory to address childcare needs.

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

## **11.9 Residential/Adjoining Amenity – Existing/ Adjacent Residents/Commercial Uses**

**11.9.1 Existing Site:** The redevelopment of an infill/greenfield site within an established urban setting will give rise to a level of nuisance and disturbance to residents, especially during the construction phase. I note all of the comments made in the observations in this regard, however I am satisfied that any form of development of a site of this scale and located in such an area will give rise to some temporary nuisance and this has to be weighed up against the long-term impact of the development of this site.

**11.9.2** A Construction Management Plan will be put in place prior to the commencement of development. Access to the site is via the existing access Omni Park Centre off

Swords Road with the site also currently having access from the Swords Road through the Santry Hall Industrial Estate, meaning any impact from construction traffic would be limited as well as being temporary in nature.

11.9.3 Daylight and Sunlight: The impact of the development on adjoining properties is considered in the Daylight & Sunlight Analysis prepared by 3D Design Bureau.

11.9.4 Daylight: The Vertical Sky Component (VSC) 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.

11.9.5 The applicant has assessed the potential impact on existing dwellings to the west in the form of no. 51-89 Shanliss Avenue, which back onto the site and units no. 1-10 in Santry Hall Industrial Estate (mixture of commercial, industrial and retail uses) to the north of the site. The assessment has excluded any existing trees in accordance with the BRE Guidelines.

11.9.6 The analysis of the above listed units found that of the 85 windows analysed in relation to the no. 51-89 on the rear elevations facing the site, 65 of the windows have a VSC value above 27% pre-development and retain a value of over 27% post development. Of the remaining 20 windows, 14 have a VSC level above 27% pre development that will fall below 27% post development, but such will be less than 0.8 (20%) its former value, 6 have a pre development value of less than 27% and will be reduced in value to less than 0.8 (20%) of the their former value in the case of 5 of the windows with one window having no change in value.

11.9.7 The analysis of the above listed units found that of the 66 windows analysed in relation to unit no.s 1-10 located to the north of the site, 65 of the windows have a

VSC value above 27% pre-development and 46 of these windows retain a value of over 27% post development. 17 of the windows have post development value below 27%, with 16 of these being reduced from a level above the 27% pre-development and one window having been below the 27% value pre-development. The reduction in level for these 13 of these windows is more than 0.8 (20%) of their former value.

11.9.8 Sunlight: The Annual Probable Sunlight Hours (APSH) assessment 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, 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).

Further to this the BRE advice that the sun lighting 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.

11.9.9 The applicant has assessed the potential impact on existing dwellings to the west in the form of no. 75-89 Shanliss Avenue, which back onto the site and units no. 1-10 in Santry Hall Industrial Estate (mixture of commercial, industrial and retail uses) to the north of the site. The assessment has excluded any existing trees in accordance with the BRE Guidelines.

- 11.9.10 The analysis of the above listed units found that of the 43 windows analysed in relation to no.s 75-89 on the rear elevations facing the site, 41 of the windows have a APSH value above 25% pre-development with 2 no. windows below the 25% value. 41 no. windows retain a value of over 25% post development and 3 no. windows fall below this value (2 no. windows already below 25% value pre-development). In case of all windows below to target value of 25% post development, the level of decrease is less than 0.8 (20%) of their former value. In the case of WPSH of the 43 windows analysed, 42 of the windows have a WPSH value above 5% pre-development with 1 no. windows below the 5% value. 41 of the windows retain a value of over 5% post development and 2 no. windows fall below this value (1 no. windows already below 5% value pre-development). In case of all windows below the target value of 5% post development, the level of decrease is more than 0.8 (20%) of the their former value
- 11.9.11 In the case of unit nos 1-10 with the Santry Hall Industrial Estate 66 windows are analysed. In the case of APSH all windows have pre-development value of over 25%. 62 windows retain a value of over 25% post development and 4 no. windows fall below this value (Unit no. 1D and 2D). In case of all windows below to target value of 25% post development, the level of decrease is more than 0.8 (20%) of the their former value. In the case of WPSH of the 66 windows analysed, all of the windows have a WPSH value above 5% pre-development and all windows retain a value of over 5% post development.
- 11.9.12 Shadow Analysis: Shadow Diagrams have been prepared/ included in the analysis. These are prepared for the 21<sup>st</sup> of March, June, and December at hourly intervals from 7.00 hours to 21.00 hours.
- 11.9.13 An analysis of the private amenity spaces associated with no.s 69-79 located adjacent the north western corner of the site with the gardens backing onto the western boundary of the site. The private amenity space associated with these neighbouring units will receive at least two hours of sunlight on the 21<sup>st</sup> of March in compliance with BRE target values.

11.9.14 In relation to shadowing such will be evident in the late evening for March, just before sunset, but clearly the impact from this would be marginal with no significant shadowing impact evident over and above the pre-development scenario having regard to the location of the existing dwellings to west in relation to the site.

11.9.15 The submitted details are noted. From the available information, all residential units will continue to receive good daylight and the proposed development will not result in a reduction of residential amenity to an unacceptable level. Overall, the assessment indicates that good compliance with BRE guidance is achieved.

11.9.16 **CE Report Comments:** Concern raised about impact on existing residential amenities due to separation, height and scale with concerns regarding overbearing impact, overlooking and shading of private amenity spaces associated with existing dwellings

11.9.17 **Conclusion on sunlight/ daylight impacts to neighbouring properties:** It is noted that there is likely to be instances where judgement and balance of considerations apply. To this end, I have used the Guidance documents referred to in the Ministerial Guidelines and within the Dublin City Development Plan 2016 - 2022 to assist me in identifying where potential issues/impacts may arise and to consider whether such potential impacts are reasonable, having regard to the need to provide new homes within the Dublin city area, and to increase densities within zoned, serviced and accessible sites, as well as ensuring that the potential impact on existing residents from such development is not significantly negative and is mitigated in so far as is reasonable and practical. Existing units and their private amenity spaces will receive adequate sunlight, in accordance with the BRE Guidance. In relation to adjoining commercial units to the north, the proposal will have some impact on light level to windows on the units along the northern boundary, which have upper floor windows on the northern façade. These units are commercial in nature and not dependent on natural light. I would also note that these units also have their main facades and window walls on their northern

elevation facing into the Santry Hall Industrial Estate. The proposal would be acceptable in regards to overshadowing with the proposal having no significant impact over and above the pre-existing scenario due to the location of the dwellings to west, the orientation of such and their amenity spaces. In addition these dwellings are currently separated from the site by a high boundary wall. I am satisfied that the impact on the amenities of these properties is limited. I have no reason, therefore, to recommend to the Board that permission be refused.

11.9.18 Overlooking/separation from adjoining properties: The nearest residential properties are no.s 55-8 Shanliss Avenue, which are two-storey semi-detached dwellings that back onto the site. Block A and B is the closest to the western boundary and comprises of a 4-8 storey block with the block stepping down to four-storeys at its western façade to take account of its interface with the existing dwellings to the west. Moving northwards along Shanliss Avenue the level of separation/depth of rear gardens increase with the smallest level of separation between block B's western façade and the rear facade of no. 55 being 29m. Existing boundary treatment along the shared boundary of the site and the rear gardens of the existing dwellings is a high block wall, which appears to be over 3m in height and provides a significant level screening of the appeal site from the rear of the existing dwellings. The design the western facades of Block A and B also has regard to the amenities of existing dwellings with limited levels of glazing in the form of high level windows serving bedrooms and windows serving corridors. The main orientation of units closest to the western boundary is north and south.

11.9.19 To the north are the two storey units within Santry Hall Industrial estate. These units have windows on their northern elevation at first floor level, however their main facade and window walls are located on their northern facades within facing into the Industrial Estate itself. To the south is the IMC Cinema and to the west is the Lidl supermarket both of which have blank facades adjoining the site.

11.9.20 **CE Report Comments:** Concern raised about impact on existing residential amenities due to separation, height and scale with concerns regarding overbearing

impact, overlooking and shading of private amenity spaces associated with existing dwellings.

**11.9.21 Conclusion on overlooking/separation/overbearing impact in relation to**

**adjoining properties:** The overall design and configuration and orientation of blocks have adequate regard to the amenities of adjoining uses. The highest portion of the development is Block C located central to the site and its 12-storey element to the south of the block adjacent the existing parking area within the shopping centre. Block A and B to the west of the site step down from 8 to 4 storeys where they are closest to existing dwellings along Shanliss Avenue. The design of the western facades of Block A and B also have regard to the amenities of existing dwellings in the form of limited windows and the main orientation of units to the north or south. In addition the existing boundary treatment along the shared boundary of the site is sufficient robust and tall in height to provide a high degree of separation between the adjoining dwellings and the application site/proposal. I am of the view that the design of the proposal has sufficient regard to the amenities of adjoining residential properties and acceptable in the context of its physical scale and impact in terms of overlooking/privacy. I would also be of the view that the interaction of the development with existing commercial development on adjoining lands including the units in Santry Hall Industrial Estate is satisfactory and would not impinge on the amenities of existing properties.

11.9.22 In relation to overbearing impact the development is designed in a manner that it is designed to step down in height and scale where it adjoins existing dwellings to the west. The highest block (C), which is part 12-storeys is located a significant distance from the western boundary. Block A and B are located to west and this block steps down from 8 storeys on its eastern side to 4 storeys on its western side in addition to the fact that its physical bulk reduces in terms of footprint. As outlined above the impact of the development in terms of daylight, sunlight and overshadowing is acceptable in the context of existing residential amenity. These facts taken in conjunction with the existing boundary treatment along between the site and the dwellings backing onto the western boundary would mean no adversely significant overbearing impact on existing dwellings.

## 11.10 Transportation, Traffic and Parking:

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

- Traffic Assessment Report – NRB Consulting Engineers (TAR)  
Incorporates...  
Preliminary Travel Plan,  
Stage 1 Road Safety Audit  
Bus/Dart Capacity & Demand Report  
Parking management/Strategy report.
- DMURS Design Statement.

11.10.2 Traffic: The site is currently accessed through an existing access road and entrance off the Swords Road (R132) serving the Santry Hall Industrial Estate. The proposed development is to use the existing entrance to the Omni Park Shopping centre off the Swords Road further south and uses the internal access road serving the shopping centre to provide access underground parking. The submitted reports indicate that the proposed development will not adversely impact on traffic flows in the area with the capacity of the existing four arm signalised junction between the Swords Road and Omni Park SC with capacity for an opening year of 2024 and design year of 2039.

11.10.3 Car Parking: The proposed development provides 213 no. car parking spaces and 7 no. motorcycle spaces within an underground car park. At surface level there is provision of 6 dedicated car club/share spaces and 7 no. crèche drop-off spaces. The proposal entails the loss of 104 no. existing surface level spaces with the centre as a result reconfiguration to allow for the new plaza and pedestrian pathways. The TAR identifies that the site is within Zone 2 for the purposes of parking and Development Plan policy with a maximum requirement for 461 spaces. It is identified that the level of parking provided in this scheme is consistent with the proportion of parking provided in permitted Omni Living SHD (ABP-307011-20, 324 apartment with 148 no car parking spaces including 4 no. car-share spaces). It is stated that the existing shopping centre provides 1400 spaces for short term use and can cater

for the commercial portion of the development. It is also noted that the existing level of parking within the shopping centre is in excess of current maximum Development plan standards and the loss of 6% (104) of these spaces will have a negligible impact. 22 car parking spaces are provided for EV charging with other spaces having the ability to be upgraded to provide for EV's. The TRA report highlights the location of the site along a public transport corridor with high frequency bus service (Bus Capacity/Demand Report included) and the provision of shared pedestrian cycling routes through the site.

11.10.4 Bicycle Parking: The proposal entails provision of a total of 768 no. dedicated cycle parking spaces with 504 within the basement level and 264 surface level spaces. A dedicated cycle lane is provided on the basement access ramp.

11.10.5 **CE Report Comments:** Dublin City Council Transportation Planning Division raised no objection to the development in their report; conditions are provided in the event that permission is to be granted. The report did raise issues regarding inconsistencies in the number of bicycle parking (including motorcycle parking identified) in the report submitted, concern regarding the number of bicycle parking space provided and its on-site management.

11.10.6 **Conclusion on Transportation, Traffic and Parking:** The proposal provides for mainly residential development on a district centre zoning adjacent to an established district centre with a range of services including retail, leisure and medical services. The development is in an accessible (200-250m walk distance) location relative to such as well as being on a public transport corridor with current high frequency bus services along the Swords Road (R132) as well future planned upgrades to bus services in the form of Bus Connects with the Sword Road a main spine route (A2 and A4).

11.10.7 I would consider that car and bicycle parking provision is appropriate to the scale of development and car parking standards under the Development Plan are maximum standards with regard taken to locational context, accessibility to local services and

public transport provision. Adequate provision is made to facilitate pedestrians and cyclists in the form of clearly defined pedestrian and cycle pathways through the site, the provision of a high degree of bicycle parking both internally and externally and provision of car-share spaces. The use of existing shopping centre parking is unlikely due to the fact it is managed car park and only facilitates short term parking. The third party submission raise concerns regarding overspill of parking into adjoining residential areas. In this regard I would be of the view that an appropriate level of parking is provided on site and there is a reasonable degree of separation between any existing residential development and the site, with the Swords Road to the west, the Omni Park Shopping centre to the south and Santry Hall Industrial Estate to the north. Shanliss Avenue, which is the nearest residential development to the west is not accessible directly from the site. I have no reason to recommend a refusal of permission to the Board.

#### **11.11 Infrastructure and Flood Risk**

11.11.1 Irish Water and Dublin City Council Drainage Division have reported no objection to this development in relation to the connection to public foul drainage and water supply systems. The applicant has engaged with Irish Water and has submitted design proposals. Irish Water has issued a Statement of Design Acceptance and conditions are recommended in the event that permission is granted. Necessary works to connect to the public system (water supply and foul drainage) will be funded by the applicant.

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

11.11.3 A 'Site-Specific Flood Risk Assessment' – prepared by EirEng Consulting Engineers has been included with the application. The assessment has full regard to 'The Planning System and Flood Risk Management Guidelines for Planning Authorities, 2009'. The report has regard to the following forms of potential flooding:

- Coastal Flooding: A review of the OPW Tidal Flood Extents Mapping was carried out and indicates no coastal flooding at the subject site.
- Fluvial Flooding: A review of the OPW Fluvial Flood Extents Mapping was carried out and indicates low probability of fluvial flooding of the subject site. The site is approximately 1km north of the Santry River and 550m north of the River Wad. One past flood event is identified a point on the River Wad 550m from the site where the river is culverted under the Swords Road in 1965. Due to the significant distance from the site and the fact the site is approximately 10m higher than the river there is no flood risk. Flood risk modelling conducted on behalf of the OPW under the Eastern CFRAM (Catchment Flood Risk Assessment and Management) Study indicates that the development site is within an area with a fluvial flood event AEP of less than 1%. The risk of fluvial flooding within the subject site is therefore considered to be low.
- Ground Water: The OPW Flood Maps does not identify any groundwater flood risk for the site, GSI groundwater vulnerability classification for the site is low and there are no past flood events within the vicinity of the site. Groundwater risk from the basement construction has been assessed under the Basement Impact Assessment (BIA) with the conclusion there will be no long-term impact on water levels or groundwater flow patterns in the area and bedrock water table will not be affected by excavation works. The risk of flooding due to ground water ingress to the proposed development is reported to be low.
- Pluvial Flooding: A review of the available literature including the DCC FloodResilienCity (FRC) project was carried out some pluvial flooding has been indicated on the site, the FloodresilienCity Interim review (October 2011) did not identify pluvial flooding on site or adjacent to the site.

11.11.4 The initial flood risk assessment found that the risk of coastal/ tidal, fluvial, and ground water flooding was low. The risk of pluvial flooding was found to be low to medium and suitable measures have been proposed to address this including measures during construction works incorporated into the CEMP and RWMP,

surface water drainage measure including SUDs provision. The sequential approach for flood risk was undertaken and in conclusion, the site was identified as located within Flood Zone C.

**11.11.5 CE Report Comments:** The Dublin City Drainage Division did not report any objection to the development and the Planning Authority consider that the proposed development is acceptable subject to conditions.

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

## **11.12 Demand on Social Infrastructure/Area Capacity**

**11.12.1** The third party submission raise concerns with respect of demand on social infrastructure in the area, in particular school demand as well as other social infrastructure such as medical services. The application includes two reports, A Santry Community and Local Needs Audit prepared by John Spain Associates and A School Demand Assessment prepared by KMPG Future Analytics. A Community Audit of Santry carried out by JSA on behalf of the applicant. I acknowledge that there are some inaccuracies in the submitted document. But I consider overall that the conclusion of the report is robust.

**11.12.2** The community audit was prepared to assess the community facility provision in the Santry area. The audit indicates that the study area is well served by community facilities. As such it is submitted that the proposed development can be accommodated by the existing community facilities in the area. The subject site is a brownfield site which currently accommodates a derelict single storey warehouse.

As such, there will not be a loss of any community facilities as a result of this development. The proposed development will incorporate a number of facilities which may be used by the local community including public open space, a new public plaza, creche facility with associated play area and a Café/Restaurant.

11.12.3. The assessment of school demand estimates a potential to generate 103 school going children and a future demand for c.628 children based on permitted and planned development in the area. The report concludes that there is capacity additional children in the area in terms of school places. I acknowledge concerns by residents with respect to lack off or high demand for school places. However, I consider that the nature of the accommodation proposed is acceptable given existing services in the area.

#### **11.13 Other Matters**

11.13.1 The submission by John Conway and the Louth Environmental group raises a number of issues that have been summarised above. There are three factors including the status/legitimacy of the Urban Development and Building Heights Guidelines 2018 and Apartment Guidelines 2020, the competence of the Board ecological and scientific expertise to examine the EIA screening report as required under Article 5(3)(b) of the EIA Directive and Inadequate assessment of the potential hydrological connection between Santry Demesne pNHA, North Dublin Bay pNHA and the site via Santry River.

11.13.2 In response to these issues, the Urban Development and Building Heights Guidelines 2018 and Apartment Guidelines 2020 are Section 28 Ministerial Guidelines and under Planning Act (Section 28(2)) “Where applicable, the Board shall have regard to any guidelines issued to planning authorities under subsection (1) in the performance of its functions”. Secondly the submission raises questions regarding the competency of the Board to assess the application. The Board are a competent authority in regards to assessing applications and charged with the function of assessing SHD applications. In terms of assessment potential hydrological pathways between the Santry River and Santry Demesne and North

Dublin Bay pNHA, sufficient information was submitted with the application to assess the impact of the development in terms of linkages to ecologically sensitive sites.

#### **11.14 Material Contravention**

11.14.1 The applicant has submitted a 'Material Contravention Statement' of the Dublin City Development Plan 2016 - 2022 with the application. This forms part of the Planning Report prepared by McGill Planning. The public notices make specific reference to a statement being submitted indicating why permission should be granted having regard to the provisions s.37(2)(b). A total of seven (3) issues have been raised in the applicant's Material Contravention statement as follows:

- Building Height:
- Unit Mix
- Plot Ratio

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

11.14.2 Building Height: Under Section 16.7 of the Dublin City Development Plan 2016 - 2022, the subject site is defined as within the 'Outer City' with a prescribed maximum height of 16 metres for residential and commercial development. In terms of a residential development, this would equate to approximately 5 storeys. The subject development ranges in height up to 12 storeys or circa 41 m and which exceeds the maximum building height of 16 m specified in the Dublin City Development Plan.

11.14.3 The applicant refers to the Urban Development and Building Heights Guidelines (2018) and specifically to SPPR 1 which promotes increased density, a mix of housing types and building heights. The applicant considers that the proposed development meets the requirements of these guidelines. The proposed

development has been designed to ensure it integrates with the surrounding area and does not impact negatively on existing residential amenity.

11.14.4 The Planning Authority through the CE report states that the proposal for height exceeding the limits prescribed in the City Development Plan is inappropriate and provide for an abrupt transition in scale relative to adjoining land uses in addition to having a significant visual impact in the area.

11.14.5 The subject site is located within a 'Low Rise', 'Outer City' location and the maximum height specified in the Dublin City Development Plan 2016 – 2022 is 16 m for residential developments. The proposed apartment blocks range in height depending on their number of storeys and the existing ground levels that they are located on. The maximum height is circa 41 m, and this height exceeds the maximum standard set out in the Dublin City Development Plan 2016 – 2022.

11.14.6 I have considered the issue raised in the applicant's submitted Material Contravention Statement and advise the Board to invoke the provisions of s.37(2)(b) of the 2000 Act (as amended).

11.14.7 I consider that the subject site is appropriate for increased height in light of guidance in the 'Urban Development and Building Heights - Guidelines for Planning Authorities' – (DoHPLG, 2018)'. Having fully considered the Development Management Criteria in section 3.2 of these guidelines relating to proximity to high quality public transport services, character of the location, compliance with flood risk management guidelines, daylight and sunlight considerations, alongside performance against BRE criteria. Specific assessments have also been provided to assist my evaluation of the proposal, specifically CGI visualisations and a Visual Impact Assessment.

11.14.8 Section 37(2)(a) of the Planning and Development Act 2000 (as amended), states that the Board may decide to grant planning permission even if the proposed development contravenes materially the development plan. Section 37(2)(b) (i)-(iv)

lists the circumstances when the Board may grant permission in accordance with section 37(2)(a).

11.14.9 Under section 37(2)(b)(i) I consider the proposed development to be of strategic and national importance having regard to the definition of 'strategic housing development' pursuant to section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016, as amended and its potential to contribute to the achievement of the Government's policy to increase delivery of housing from its current under supply set out in Rebuilding Ireland – Action Plan for Housing and Homelessness issued in July 2016; and (iii) I also consider that permission for the development should be granted having regard to guidelines under section 28 of the Act, specifically SPPR 3 of the Building Height Guidelines, national policy in Project Ireland 2040 National Planning Framework (in particular objectives 13 and 35).

11.14.10 I am satisfied that a grant of permission, is justified in this instance. Regard being had to the foregoing, I am of the opinion, that provisions set out in Section 37 (2)(b) (i) and (iii) could be relied upon in this instance.

11.14.11 **Unit Mix:** Section 16.10.1 of the Dublin City Development Plan requires in proposals of 15 units or more, that each development shall contain a maximum 25 - 30% one-bedroom units and a minimum of 15% three or more-bedroom units. The proposed development provides for the following configuration...

1 no. studio apartment (c.0.2%)

221 no. 1-bedroom apartments (c.48.4%)

211 no. 2-bedroom apartments (c.46.2%)

24 no. 3-bedroom apartments (c.5.2%)

The applicant refers to SPPR 1 of the Apartment Guidelines which seeks to provide up to 50% one-bedroom units and no limit on three or more-bedroom units.

11.14.12 The above mentioned SPPR refers to requirements for plans etc. and is not specifically relevant to applications. The applicant does comment on the likely demand for smaller sized units and the fact that the surrounding area is predominantly made up of three and more bedroom houses.

11.14.13 I note the applicant's report, however I do not consider this to be a material contravention of the Dublin City Development Plan. . The Board may form the view that the proposed unit mix materially contravenes Section 16.10.1 of the Development Plan. It should however be noted that the policy provision in relation to unit mix for apartment developments predates the Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities (2020) and therefore must be read in the context of Section 28 Ministerial Guidelines taking precedence over conflicting Development Plan policy objectives. A suitable mix of units is provided of which 50% are one-bedroom units; the number of one-bedroom units is therefore in accordance with the Dublin City Development Plan. A small percentage of three bedroom units are provided, however, having regard to the character of the area, the provision of two-bedroom units will provide for a housing choice for mid-sized units in an area that is dominated by three and more bedroom units. The National Planning Framework seeks to increase housing choice and to meet the demand for more one- and two-bedroom units. The proposed development will go some way to meeting this demand in this area.

11.14.14 I have considered the issue raised in the applicant's submitted Material Contravention Statement and I do not advise the Board to invoke the provisions of s.37(2)(b) of the 2000 Act (as amended) as I do not consider that the development contravenes the Dublin City Development Plan 2016 - 2022 in relation to unit mix. The proposed unit mix is generally in accordance with the requirements of the Dublin City Development Plan and having regard to national policy to encourage a greater mix of unit types, the provision is considered to be appropriate.

11.14.15 Plot Ratio: Section 16.5 specifies plot ratio for each land use zoning objective with a plot ratio of 2.0 specified for the Z4 District Centre zoning. The proposed development has a plot ratio of 2.6. Section 16.5 also states that plot ratio may be

increased subject to criteria including location adjoining a major quality public transport corridor, to facilitate comprehensive development in areas in need of urban renewal and where the site has the benefit of higher coverage. The report states that the proposal is not a material contravention of policy on plot ratio due to the location of the site adjoining a high quality public transport corridor with high frequency bus services.

11.14.16 I note the comments of the applicant, however I am satisfied that there is no material contravention in this case. The Planning Authority through the CE Report has raised concern regarding the plot ratio and density of the proposal and points out it is higher than permitted developments in the vicinity (Omni Living and Swiss Cottage).

11.14.17 I have considered the issue raised in the applicant's submitted Material Contravention Statement and I do not advise the Board to invoke the provisions of s.37(2)(b) of the 2000 Act (as amended) as I do not consider that the development contravenes the Dublin City Development Plan 2016 - 2022 in relation to plot ratio provision. The proposal is higher than the specified plot ratio in Z4 zoning, however Development Plan policy does allow for deviation from plot ratios in certain circumstances. I would also note that deviation from plot ratio or development standard in general would not constitute a 'material' contravention of development plan policy.

11.15 **Conclusion:** The Planning Authority through the CE Report have recommended refusal based on three suggested reasons that relate to design, scale and layout, impact on adjoining amenities and overall quality of the proposed residential development and integration with the surrounding area. I have assessed the merits of the proposal in the context of its overall design in terms of the quality of future residents/users and impact on adjoining amenities, its impact on the visual amenities of the area and its integration with the surrounding area. The development has been assessed in the context of the relevant local, regional and national policy. I am of the view that the development subject to some amendments, which are outlined above, is of sufficient quality in terms of future residential amenity, has

adequate regard to the visual amenities of the area and entails an improvement in terms of public realm and linkages to the district centre and surrounding area. I would not recommend refusal of the proposal on the basis of reasons outlined in the CE Report.

## **12.0 Environmental Impact Assessment**

### **12.1 Statutory Provisions**

12.1.1. The application was accompanied by an Environmental Impact Assessment Report (EIAR), which is mandatory for the development in accordance with the provisions of Part X of the Planning and Development Act 2000 (as amended) and Schedule 5 of the Planning and Development Regulations 2001-2015.

12.1.2. Item 10 (b) of Part 2 of Schedule 5 provides that an EIA is required for infrastructure projects comprising of either:

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

The development would provide 457 no dwellings on a site of 2.79 ha on zoned lands in an established urban area. The proposed development does not exceed the threshold of 500 units, however the applicant has carried out an EIAR on the basis that the number of units is close to the threshold level and the applicant has a grant of permission for a development of 324 dwelling units, a crèche and 81 bed apart hotel within 140m of the site.

12.1.3. 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 and prescribed bodies has been set out previously this report. A summary of the main contents of the EIAR are listed below, with a detailed assessment of the environmental aspects after.

A Non-Technical Summary of the findings of the EIA report has been submitted as a separate document.

The EIAR comprises of...

Written Statement and technical appendices.

- Section 1.4 describes the expertise of those involved in the preparation of the report.
- Mitigation measures are outlined at end of each chapter which detail the significant effects under the headings identified below.

12.1.4. The likely significant effects of the development are considered under the headings below which cover the factors set out in Article 3 of the EIA Directive 2014/52/EU.

The EIAR uses the following headings...

- Population and Health
- Lands, Soil and Geology & Hydrogeology
- Hydrology
- Biodiversity
- Air Quality and Climate
- Noise and Vibration
- Microclimate
- Landscape and Visual Amenity
- Archaeological, Architectural and Cultural Heritage
- Traffic and Transportation
- Waste Management
- Interactions

For the purpose of carrying out EIA I have used the headings in the applicants EIAR.

I am satisfied that the information contained in the EIAR has been prepared by competent experts and generally complies with article 94 of the Planning and Development Regulations 2000, as amended, and the provisions of Article 5 of the EIA Directive 2014.

## 12.2 Vulnerability of Project to Major Accidents and/or Disaster

12.2.1. 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. EIAR Chapter 4 (section 4.6 Seveso Sites) deals with the risk of major accidents and disasters. The surrounding environs consists of a mix of retail, residential, commercial, warehousing and industrial land uses. There is no site regulated under the Control of Major Accident Hazards Involving Dangerous Substances Regulations i.e. SEVESO, at the development site or in the wider area around the site. There are no significant sources of pollution in the development with the potential to cause environmental or health effects. Chapter 7 of the EIAR addresses the issue of flooding and the site is not in an area at risk of flooding. I am satisfied that the proposed use, i.e. mixed use including residential and commercial, 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.

## 12.3 Alternatives

12.3.1. Article 5(1)(d) of the 2014 EIA Directive requires a description of the reasonable alternatives studied by the developer, which are relevant to the project and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the project on the environment. EIAR Chapter 3 deals with alternatives and sets out a rationale for the development. Having regard to the fact that the zoning of the development provides for a diverse range of uses including residential, childcare and café/restaurant uses development, it was not considered necessary to consider alternative locations in detail. The initial design/layout approach to the site is set out and the revisions made based on consultation with regard to constraints including topography, road layout, pedestrian and cycle permeability, provision of car and cycle parking, layout of open spaces and communal areas. The development as now proposed is considered to have arrived at an optimal solution in respect of making efficient use of zoned, serviceable lands. The description of the consideration of alternatives in the EIAR is reasonable and coherent, and the requirements of the directive in this regard have been satisfactorily addressed.

## 12.4. Population and Health

12.4.1 The site and immediate vicinity is characterised by commercial and industrial development with the nearest residential population being to the west of the site along Shanliss Avenue .The site is within the Electoral Divisions (ED) of Whitehall C. EIAR Table 5.3 presents population change in the Whitehall C ED for the period 2006-2011-2016. The table identifies that the population of in the Whitehall C ED declined by -1.9% compared with an increase of 3.8% nationally. The demographic analysis indicates that c. 19.41% of the population of the Whitehall C ED is under 18 years of age (state population 26.28%) and c. 18.44% of the population of the is over 65 years of age (state population 13.39%). The Dependency Ratio (those not in the workforce, aged 0-18 and over 65) is therefore c.37.85 %, which is marginally lower than that of the State (39.67%).

12.4.2 The construction phase of the development is likely to have a positive effect on local employment and economic activity. A 24-36 month construction phase is anticipated. The impacts of an increase in the population within the site will be gradual during the completion of the development. The population of the development will therefore be significant and positive particularly in the context of current housing demand and taking account of the subject site's location in close proximity to public transport links.

12.4.3 There may be short term impacts on human health during the construction phase, such as construction noise, dust, traffic, waste generation and potential impacts on water quality, which are dealt with in the relevant EIAR chapters. The completed development is unlikely to cause any adverse impacts on the existing and future residents of the locality in terms of human health. There will be positive impacts associated with improved pedestrian and cycle permeability and increased spending power in the local economy. The development will also provide a creche, commercial units and public open space. The increased population will contribute to community and social infrastructure. No significant impacts on air quality or climate are envisaged (dealt with under a spate chapter). No significant cumulative impacts are envisaged. Mitigation measures relating to health impacts are outlined in other

EIAR chapters. In relation to Population, the residual impacts of a large population increase are long term and positive. For Human Health, the potential for improvements in health relate to the improved access to open space and services. I have considered all the submissions and having regard to the above, I am satisfied that impacts predicted to arise in relation to population and human health would be avoided, managed, and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect, or cumulative impacts in terms of population and human health.

## 12.5 Lands, Soil and Geology & Hydrogeology

12.5.1 The site slopes gradually down from east (c. 59.5m AOD) to west (c. 56.6m AOD). It was historically part of Santry Hall Estate and is now an industrial/commercial site part of Santry Hall Industrial Estate with some parts of the site incorporating the parking and circulation areas of the Omni Park Shopping Centre. There are no licensed IPPC and IED facilities in the vicinity. There are no recorded landfills or licensed waste facilities in the vicinity of the site. Ground investigations carried out at the site in 2019, including borehole drilling, subsoil sampling and groundwater monitoring, reinforced concrete, made ground underlain by clay soils with sand and gravel deposits. The relevant GSI Bedrock Geology Map indicates that the site is underlain by dark limestone and shale. The GSI National Draft Bedrock Aquifer Map for the site indicates that it is underlain by a Locally Important Bedrock Aquifer (LI), which is described by the GSI as being “poorly productive bedrock”. Aquifer vulnerability is classified as low at the site, reflecting the depth of bedrock within the site. There are no groundwater wells, boreholes or dug wells within the site boundary or in the immediate vicinity. The regional groundwater flow direction is most likely to the east-south east towards the River Tolka and Dublin Bay. There are no sensitive receptors such as groundwater-fed wetlands, Council Water Supplies / Group Water Schemes or geological heritage sites (nearest is Glasnevin Cemetery c2.8km away) in the surrounding regions which could be impacted by the development. The 2019 site investigations analysed 30 no. soil samples from throughout the site for a suite of parameters relating to total pollutant content for classification of materials as hazardous or non-hazardous. The analysis did not

identify any asbestos containing materials (ACMs) in any of the samples tested. All of the samples collected at the site were categorised as inert (as per Council Decision annex 2003/33/EC). There was no evidence of waste deposited on-site.

12.5.2 EIAR Table 6.2 presents a summary of site activities and potential associated impacts on land, soils, geology and hydrogeology. The potential impacts identified primarily relate to the construction phase with site preparation, excavation, levelling and infilling activities during the construction phase. The ground works will excavate the site above bedrock level with no ingress of groundwater anticipated and only local subsoil dewatering required. Approximately c44,213 m<sup>3</sup> of soils will be excavated. It is anticipated that some of the excavated material can be reused onsite. Approximately 4,000 m<sup>3</sup> of clean material will be imported to the site. Details of the storage and management of spoil, aggregates and imported material are provided, as well as other construction management measures including management of potential spillages, dust emissions, and surface water runoff, to be detailed a Construction and Environmental Management Plan (CEMP). An Outline CEMP and a resource Waste Management Plan have been submitted with the application. In terms of operational impacts the completed development will not result in an increased hardstanding area with the existing site having 100% hardstanding and an actual decrease in such proposed. During operational phase potential for leakage of hydrocarbons or pollutants will be dealt with by the on-site drainage system including incorporation of hydrocarbon interceptors. Surface water and waste water drainage is to the public system.

12.5.3 No significant residual or cumulative impacts are identified. I have considered all the submissions and having regard to the above, I am satisfied that impacts predicted to arise in relation to land, soil and geology would be avoided managed and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect, or cumulative impacts in terms of land, soil, and geology.

## 12.6 Hydrology

12.6.1 The development site is within the Liffey and Dublin Bay catchment and the Tolka River sub-catchment with a small part of the site with the River Mayne sub-catchment. The Santry River is located c. 1km north of the development site and discharges to the marine environment 3.7km from the site. There are two culverted streams in the vicinity of the site (Naniken and Wad Rivers). Surface water from the site currently connects to a public surface water sewer in the Swords Road discharging to the Santry River (will be decommissioned). The proposal entails surface water drainage outfall to the River Wad 550m from the site, which discharges into the Santry River and the marine environment. Foul wastewater is to be discharged to the public sewerage system and the Ringsend WWTO. The EIAR outlines surface water quality results for Tolka\_060 WFD and Santry\_010 WFD surface water bodies. The Santry River is associated with the WFD surface waterbody Santry\_010 WFD Surface Water Body. The most recent published status ([www.epa.ie](http://www.epa.ie) – River Waterbody WFD Status 2013-2018) of for both Tolka and Santry waterbodies are classified as ‘moderately polluted’.

12.6.2 In relation to Flood Risk the site is classified as being in Flood Zone C, however there is potentially some of risk of pluvial flooding. Such can be mitigated by drainage design measures incorporated including attenuation storage and SUDS measures.

12.6.3 In relation conservation areas the closest European sites are identified as being...

Santry Demesne pNHA (c.350m north).

The Royal Canal pNHA (c. 3.6km south)

South Dublin and Tolka River Estuary SPA (c. 3.8km southeast).

Dublin Bay pNHA (c. 3.8km southeast).

It is noted that the site has an indirect hydrological connection with the North Dublin Bay SAC/pNHA and North Bull island SPA through the local drainage network.

12.6.4 Potential impacts on water relate to contamination during construction, including as a result of increased sediment loading in runoff and as a result of spillages. The EIAR details surface water management measures during the construction (as per

the CEMP) and operational phases of the development. The construction phase does not involve any significant dewatering. The surface water drainage strategy for the completed development includes SuDS measures, noting that there are no SuDS measures at the site at present, hence lowering the strain and the pollution content on the existing public sewer and the proposal entails a decrease in hardstanding area on site. The development will connect to the existing foul sewer and public water supply. EIAR section 7.5.2 notes that the Ringsend WWTP is required to operate under an EPA licence (D0034-01) and meet environmental legislative requirements as set out in such licence. No significant residual impacts are predicted for the construction or operational phases. No impacts are expected on the SPA / SAC / pNHA's within Dublin Bay, given the potential loading and the distance from source to the designated sites. No significant cumulative impacts are identified.

12.6.5 I have considered all the submissions, I am satisfied that impacts predicted to arise in relation to water would be avoided managed and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect, or cumulative impacts in terms of water.

## 12.7 Biodiversity

12.7.1 EIAR Chapter 8 evaluates impacts on habitats, flora, and fauna, based on site surveys comprising a habitat survey of the site including filed surveys of terrestrial ecology/bat fauna/avian fauna on the 23rd July 2021 and 19<sup>th</sup> August 2022. The development site is not within or immediately adjacent to any site that has been designated as a SAC or a SPA under the EU Habitats or EU Birds Directive, or to any nationally designated NHA/pNHA. There are 19 no. pNHAs within 15 km of the site, as listed in EIAR Table 8-2b and Figure 8.9. The only pNHAs with direct source – pathway – receptor linkages to the development site are indirect hydrological connections to the South/North Dublin Bay pNHAs, with the nearest 3.7km away. Surface water drainage during operation will be directed to the public surface water sewer, which outfalls to a culverted section of the River Wad c.550m south of the site and in turn discharges to the marine environment c.3.8km southeast of the site.

Foul water is discharged to the Ringsend Wastewater Treatment Plan. Impacts arising from run-off during construction / operation are unlikely given the downstream distance. The main habitat present at the development site is Buildings and Artificial Surfaces, with areas of Recolonising Bare Ground, Amenity Grassland where parts of the site have become overgrown. In terms of evaluation habitats the site is brownfield site with warehouses and hardstanding with no habitats of conservation importance noted. No plant species of conservation interest were identified on site and no invasive plant species (Schedule 3 of SI No. 477 of 2011) were detected on site. No terrestrial fauna of conservation importance were noted on site and no mammal burrows onsite with such primarily built land in an urban environmental. No record of the common frog, common lizard or smooth newt on site. No badger activity noted on site or any protected terrestrial mammals. The herring gull and lesser black-backed gull (amber listed) were noted nesting on site with no other bird species of conservation value noted during the field assessment. No evidence of current or past bats roosts on site and no foraging noted on site. The habitats present at the site are assessed as of negligible value or local importance. The site is deemed to be of low biodiversity value overall.

12.7.2 Potential impacts primarily relate to the loss of existing ecology on site and impacts associated with site clearance, demolition, re-profiling of the site and building phase.

12.7.3 The site has an indirect hydrological connection with North Dublin Bay SAC/pNHA and North Bull island SPA through the local drainage network. Given the potential loading and the distance from source to the designated sites and associated dilution factor no significant impacts are anticipated.

12.7.4 No habitats, terrestrial mammals of conservation status, no bats and amphibians or reptiles were observed on site. In relation to birds the herring gull and lesser black-backed gull were noted to be nesting on site.

12.7.5 No impacts are anticipated at the operational stage with surface water drainage measures and improved biodiversity measures due to landscaping. The improved

landscaping of the site will facilitate nesting on site for the herring gull and lesser black-backed gull. In terms of bird strikes the site is in an existing built up area no proximate to open grassland that could attract wintering bird species.

12.7.6 EIAR section 8.6 sets out proposed mitigation measures, including construction management measures, SuDS and other surface water management and landscaping. A pre-demolition bird and bat survey is to be carried out.

12.7.7 EIAR section 8.9 considers potential cumulative impacts associated with other developments permitted in the vicinity. No significant potential cumulative impacts are identified.

12.7.8 EIAR section 8.8 summarises residual impacts such that the majority of residual impacts arising from the development are negligible with a long term slight positive impact on ecology in the area due to provision of SUDs measures and additional biodiversity features (landscaping).

12.7.9 Having regard to the EIAR, I am satisfied that impacts predicted to arise in relation to biodiversity would be avoided, managed, and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect, or cumulative impacts in terms of biodiversity.

## 12.8 Air Quality and Climate

12.8.1 The occupation of the development would not be likely to have a significant effect on climate or air quality. The construction phase could affect air quality at nearby sensitive receptors through the emission of dust. Guidelines for dust deposition are specified under the EPA publication, 'Environmental Management Guidelines- Environmental Management in Extractive Industries. The traffic generated during the construction and demolition phase has also the potential to impact air quality and climate, however the level of traffic is below the threshold specified in UK guidance

for local air quality assessment (UK Highways DRMB). The proposed development has the potential to have an impact in terms of air quality and climate. The construction phase of the proposed development includes dust generation, impact on human health and vegetation through discharge of dust particles to the air and impact of emissions from construction traffic on air quality. The operational phase of will give rise direct impacts on air quality from road traffic emissions and a subsequent impact on climate due increased level of greenhouse gas emissions associated with increased traffic.

12.8.2 In terms of potential cumulative impact the construction phase and such impacts are temporary in nature and implementation of appropriate site specific mitigation measures for demolition and construction would prevent significant cumulative impact. In terms of operational impacts the cumulative impact relates to increased traffic levels and subsequent impact on air quality and climate.

12.8.3 Mitigation measures during the construction phase include dust suppression measures outlined in a Dust Management Plan (Appendix 9.2). This plan includes measures including management of material/stockpiling, use of water misting/sprays, wheel wash, on site speed limit, covering of loads and hoarding/screens. An Outline CEMP has been submitted, which includes the dust suppression measures. During the operation phase no specific mitigation measures are proposed due to an imperceptible impact on air quality and climate. The application is located at an accessible location relative to a district centre and is accessible to public transport reducing dependency on private vehicular traffic.

12.8.4 I have considered all the submissions and having regard to the above, I am satisfied that impacts predicted to arise in relation to climate and air quality would be avoided managed and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect, or cumulative impacts in terms of air quality and air climate.

## 12.9 Noise and Vibration

### 12.9.1 EIAR Chapter 10 considers the following matters with respect to noise impacts:

- The receiving ambient noise climate in the vicinity of the development
- Assessment of potential noise and vibration impacts associated with the development, primarily during the construction phase
- Assessment of noise from existing sources inward on the development

The baseline noise environment at the site is established by a noise survey carried out five locations in and around the site, including during night time hours. The primary noise sources observed related to traffic noise. Average daytime ambient noise levels at the five receptors range between 50-55 dB LAeq. Average daytime background noise levels range from 45 to 48 dB LA90. Night-time ambient noise levels were of the order of 44-53 dB LAeq. Night-time background noise levels were of the order of 37-48 dB LA90. The closest neighbouring noise sensitive receptors to the development include dwellings along Shanliss Avenue that back onto the western boundary of the site. The closest commercial receptors are to the north (units in Santry Hall Industrial Estate), east (Aldi) and south (IMC Cinema). EIAR

12.9.2 Section 10.5.1 identified that construction phase will entail the largest impact in relation to noise and vibration due operation. The impact of such is classified as short-term with a construction phase of between 24-36 months. The EIAR considers potential construction noise and impacts on noise sensitive receptors in the vicinity with regard to thresholds established with reference to British Standard BS 5228 – 1: 2009+A1:2014: Code of practice for noise and vibration control on construction and open sites – Noise (65 dB LAeq,T for residential and 75 dB LAeq,T for commercial development, daytime works). The nearest residential properties are to the west (Shanliss Avenue) with separation distances between c.15-29m between the western boundary of the site and the dwellings backing onto the site. The nearest commercial receptors are to the north with two-storey commercial units within the Santry Hall Industrial Estate adjacent the northern boundary.

In relation to vibration, limits are set out under British Standard BS 5228-2: 2009+A1:2014 Code of practice for noise and vibration control on construction and open sites – Vibration and BS 7385: 1993: Evaluation and measurement for vibration in buildings: Part 2: Guide to damage levels from ground borne vibration. Thresholds for cosmetic damage to residential or light commercial (peak particle velocity)...

PPV should be below 15 mm/s at 4 Hz avoid cosmetic damage. This increases to 20 mm/s at 15 Hz and to 50 mm/s at 40 Hz and above.

12.9.3 Potential impact during the construction phase include generation of noise and vibration. The noise level relating to site clearance, ground excavation and loading could exceed the 65 dB LAeq,T for residential and 75 dB LAeq,T for commercial development (daytime works) thresholds at a distance of 10m in a worst case scenario. The level of noise can be mitigated using attenuation barriers with potential for such to be reduced to 76 dB at a 10m distance from noise sensitive receptors. Mitigation measures are required to deal with potential noise impact of site clearance, ground excavation and loading given the distances to the nearest noise sensitive receptors. In relation to traffic the EIAR notes that in order to increase traffic noise levels by 3 dB, traffic volume would need to double in the area and that the level of construction activity will not increase traffic to this degree and noise level increase will be below 3 dB in term of construction traffic. No significant noise impact is anticipated in terms of construction traffic.

12.9.4 The construction phase has the potential to cause vibration with management of such so as not to exceed the threshold levels set out under BS 5228-2. Mitigation measures are required to manage the impact of such on sensitive receptors in the vicinity.

During the operation phase potential sources of outward noise include building services plant equipment, the childcare facility, which includes an external area as well as two playground areas within the open space, delivery and waste collection and additional traffic on the surrounding roads. Cumulative plant noise does not

exceed background night time noise levels. Provision windows to a specification that prevents inward noise will prevent significant impact from noise generated from the childcare and playground areas. The expected frequency of deliveries and waste collection vehicles will not result in significant noise. Additional traffic flows in the area based on the TAR will increase noise level less than 3 dB which is considered negligible or not significant based on DMRB and EPA guidance.

12.9.5 In relation to cumulative impact with other proposed and permitted development, such are to the north and east whereas noise sensitive receptors relative to the site area west. Due to proximity and separation from the proposed or permitted developments in the area no cumulative noise or vibration impact is anticipated. Cumulative traffic impact was assessed with permitted developments.

12.9.6 I am satisfied that impacts predicted to arise in relation to noise and vibration would be avoided managed and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect, or cumulative impacts in terms of noise and vibration.

## 12.10 Microclimate

12.10.1 EIAR Chapter 11 considers potential microclimate impacts associated with the completed development with regard to guidance provided in the Wind Microclimate Guidelines for Developments in London City (August 2019), T.V Lawson in Building Aerodynamics (Imperial College Press 2001) and the UK Buildings Research Establishment BRE DG 520: Wind Microclimate Around Buildings (2011). There are no expected microclimate impacts associated with the construction phase. EIAR section 11.5 states that the general pattern of wind-flow in the area upwind is likely to be above street-level (predominantly defined by the mainly 2-storey structures upwind). The proposed development will be up to 12-storeys in height, so wind incident to this structure will tend to be deflected both upwards and downwards. Based on the above it can be expected that the skimming regime will dominate, with little in

the way of wind flow down to street level and therefore the proposed development is not expected to lead to elevated windspeeds at street level. Given the scale and nature of the proposed development and the existing low-rise buildings in the area, accelerated windspeeds at ground level are not expected (CFD modelling) and therefore down-draft effects at ground-level are not to be expected when the proposed development is completed. No cumulative microclimate impacts are predicated with regard to the relatively low heights of the surrounding built environment. I have considered all the submissions and having regard to the above, I am satisfied that no significant impacts arise in relation to microclimatic factors I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect, or cumulative impacts in terms of microclimate impacts.

#### 12.11 Landscape and Visual Amenity

12.11.1 EIAR Chapter 12 outlines the findings of the Landscape and Visual Impact Assessment (LVIA), as discussed in detail in section 11.7 above. The LVIA concludes overall that, given the current disused nature of the existing site, the development will have a positive impact on the immediate vicinity while having no significant negative visual impacts on the wider area. Impacts during construction phase is classified as moderately negative but short-term. Operational impacts in the surrounding area is classified as being of low sensitivity within the surrounding area from due to intervening structures, boundaries and vegetation. A number of mitigation measures are proposed including site hoarding during the construction phases, landscaping and public realm improvements including pedestrian and cycle infrastructure during the operational phase. No significant cumulative impacts are predicted with the LVIA and submitted verified views taking into account cumulative impact of the permitted Omni Living scheme to the east. .

12.11.2 I have considered all the submissions and having regard to the above, I am satisfied that no significant impacts arise in relation to landscape and visual amenity, I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect, or cumulative impacts in terms of landscape and visual

amenity. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect, or cumulative impacts in terms of landscape and visual impact.

## 12.12 Archaeological, Architectural and Cultural Heritage

12.12.1 The proposed development site lies within the former demesne of Santry Hall with nothing of the original demesne surviving today. There are no previously identified monuments of archaeological interest or features of archaeological potential interest located within the extent of the development site or in the immediate vicinity. No features of interest were noted by, documentary, cartographic or aerial photographic research or by a detailed site inspection survey. The nearest recorded monuments are St. Pappan's Church (SMR Ref: DU14-057001), an ecclesiastical enclosure (SMR Ref: DU14-057005), and St. Pappan's Rectory (SMR Ref: DU14-057002) fall within 250m of the site (c. 230m to the northeast and within the zone of notification). The church and rectory are also on the National Inventory of Architectural Heritage. The site itself is of low archaeological potential due to historic investigations in the vicinity of the site showing no features of archaeological significance, the history of the site and modern development that has occurred on the site. It is concluded that it is unlikely that any previously unrecorded subsurface archaeological features remain. The development will not cause any direct impacts to any previously recorded archaeological monuments and there is no potential for the discovery of any subsurface remains of archaeological interest or associated impacts. There are no structures listed in the Record of Protected Structures (RPS) of the development plan, or structures of Architectural Heritage interest listed by the NIAH, as being located within the development site or in the vicinity.

12.12.2 I have considered all the submissions and having regard to the above, in relation to Archaeology, Architectural and Cultural Heritage. I am satisfied that impacts predicted to arise in relation to cultural heritage and archaeology would be avoided managed and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct,

indirect, or cumulative impacts in terms of architectural or cultural heritage and archaeology.

## 12.13 Traffic and Transportation

12.13.1 Chapter 14 'Traffic Transportation' of the submitted EIAR considers potential impacts arising from the proposed development upon transport. The Traffic Assessment Report (TAR) submitted with the application considers traffic impact and includes assessment of public transport provision and demand in the area. I provide an associated assessment of potential transport impacts in section 11.10 of my report above which should be read in conjunction with this EIAR. Chapter 14 of the submitted EIAR describes the baseline environment for the road network. Impacts during both the construction and operation phase upon the baseline environment are then described.

12.13.2 During construction, there are no significant impacts anticipated upon the vehicular traffic network. Measures are described in both the EIAR and Construction Environmental Management Plan to be implemented to manage construction related vehicular movements associated with the site. During the operational phase, the EIAR concludes that there is the potential for the operation and occupation of the development to have an adverse impact upon the safety, capacity and operation of the adjacent road network. The TAR for the development indicates the increase in traffic network associated with the proposed development would not be significant and within the capacity of the existing road network. Mitigation is set out in section 14.6 of the EIAR. This describes that during the construction stage, the implementation of measures described in a Construction Traffic Management Plan will minimise potential impacts. During the operational phase, no mitigation is described as the development is predicated to have a 'not significant' impact on the operational of local roads and junctions. In relation to the access to the site, this is demonstrated to operate within capacity in the opening years, approaching capacity level in the design year 2039. The EIAR also considers that positive impacts will arise from increased pedestrian and cyclist activity and demand for public and alternative transport created by the proposed development. In terms of cumulative development the TAR assessment of network capacity includes traffic associated

with permitted development in the form of ref no. 2737/19 (Santry Place), ABP-303358 (Swiss Cottage) and ABP-307011-20 (Omni Living).

12.13.3 I have considered all the submissions and having regard to the above, in relation to Traffic and Transportation. I am satisfied that impacts predicted to arise in relation to traffic and transportation would be avoided managed and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect, or cumulative impacts in terms of traffic and transportation.

#### 12.14 Material Assets

12.14.1 The proposed development would increase the stock of housing and service facilities in this part of the city. It would do so on lands that are zoned and serviced for such urban expansion. The proposed development would increase the population at this location which would generate additional demand on utilities. The potential impacts of the proposed development in the construction phase relate to impact on built environment/land during the construction phase through installation of utilities and subsequent generation of noise, dust and traffic with no adverse impact anticipated during the operation phase. The proposed development would have potential impacts in relation to water supply, foul and surface water with impacts at construction phase including discharge of pollutants, sediments and increased surface water discharge during the construction phase of the proposal. During the operational phase of both developments impacts include discharge of polluting material, potential flooding of site and siltation of surface water drainage system. In relation to electrical supply the construction and operational phase of the proposed development will have no impact on the electricity supply network. In relation to telecommunication infrastructure the proposed development requires connection to existing infrastructure with potential for interruption of service during the construction phase with no impact on telecommunication infrastructure during the operational phase.

12.14.2 Mitigation measures during the construction phase of the proposed development include pollution control/sediment management measures for excavation surface water and plant and machinery. In relation to utilities and telecommunications coordination with the relevant utility providers will be implemented. In relation to the operational phase no mitigation measures are proposed with any maintenance or upgrade of on-site utilities infrastructure carried out in accordance with the specifications of the relevant service providers. I am satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects in relation to Material Assets.

## 12.15 Waste Management

12.15.1 Chapter 16 outlines potential waste generation and proposed waste management measures for the construction and operational stages of the development, including site excavation and demolition of the existing structures and hardstanding on site. Waste generated during construction will be managed according to the Resource and Waste Management Plan and Operational Waste Management Plan (EirEng Consulting Engineers) submitted with the application. Waste generated during the operational phase is dealt with under the Operational Waste Management Plan and provision made for waste storage and segregation on site. Potential impact of the construction phase is the generation of demolition and building waste including release of non-hazardous and hazardous material, excavation of material/soil and inappropriate management of contaminated soil. Failure to implement adequate waste management, segregation, storage and use of un-licensed waste contractors or facilities could give rise to a negative environmental impact. The operational phase has the potential to generate waste with incorrect segregation, storage and use of un-licensed waste contractors or facilities could give rise to a negative environmental impact.

12.15.2 Mitigation measures are outlined in section 16.5. measure include a Resource Waste Management Plan with appropriate segregation, storage and disposal of waste materials, use of licensed waste contractors and waste facilities, classification of excavated soil and appropriate on-site management and disposal of waste material including contaminated soils/material during the construction phase. During

operational phase mitigation measures include provision of waste segregation and storage facilities on site and use of licensed waste contractors/facilities for waste disposal during the operational phase.

12.15.3 No significant residual or cumulative impacts are predicted. I have considered all the submissions and having regard to the above, I am satisfied that impacts predicted to arise in relation to waste would be avoided managed and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect, or cumulative impacts in terms of waste.

#### 12.16 Interactions

12.16.1 EIAR Chapter 17 examines interactions between the above factors. 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.

#### 12.17 Cumulative Impacts

12.17.1 I have addressed the cumulative impacts in relation to each of the environmental factors above. I consider that the EIAR presents a comprehensive consideration of the relevant developments within the wider area where there is potential for cumulative impacts with the proposed development. In conclusion, I am 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. There is, therefore, nothing to prevent the granting of permission on the grounds of cumulative impacts.

#### 12.18 Reasoned Conclusion on the Significant Effects

12.18.1 Having regard to the examination of environmental information contained above, and in particular to the EIAR including Mitigation and Monitoring Measures specified in each chapter, to the supplementary information which accompanied the application, and the submissions from the planning authority, observers, and prescribed bodies 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:

- Positive impacts on population and human health due to the increase in the housing stock within the Santry area on lands zoned for mixed residential and commercial uses.
- Biodiversity impacts, which will be mitigated by construction management measures including dust management, noise management and waste management; landscaping; measures to protect surface water quality during construction and operation including SuDS measures; enhanced landscaping and planting.
- Land, Soils and Geology impacts, which will be mitigated by a Construction and Environmental Management Plan (CEMP); control of soil excavation/ infill and export from site; fuel and chemical handling, transport and storage; and control of water during construction.
- Water impacts, which will be mitigated by construction management measures as per the CEMP; SuDS measures, surface water management and monitoring.
- Noise and Vibration impacts, which will be mitigated by best practice control measures for noise and vibration and monitoring during construction and by façade design to acoustic performance specifications in the completed development.
- Traffic and transportation impacts. Construction traffic impacts are temporary in nature with demonstration that existing road network has sufficient capacity in addition to provision for pedestrian and cyclists as well as accessibility to public transport.
- Landscape and visual impacts. As set out above, I am satisfied that the development will make a satisfactory contribution to the public realm.

12.8.2 The EIAR has considered that the main significant direct and indirect effects of the proposed development on the environment would be primarily mitigated by

environmental management measures, as appropriate. The assessments provided in all of the individual EIAR chapters are satisfactory, I am satisfied with the information provided to enable the likely significant environmental effects arising as a consequence of the proposed development to be satisfactorily identified, described and assessed. The environmental impacts identified are not significant and would not justify refusing permission for the proposed development or require substantial amendments to it.

## **13.0 Appropriate Assessment**

### **13.1 Stage 1 – Appropriate Assessment Screening**

13.1.1 The applicant has engaged the services of Altamar Marine & Environment Consultancy, to carry out an appropriate assessment screening. I have had regard to the contents of same.

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

The areas addressed are as follows:

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

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

13.2.1 The Habitats Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Article 6(3) of this Directive requires that any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects shall be subject to appropriate assessment of its implications for the site in view of the site's

conservation objectives. The competent authority must be satisfied that the proposal will not adversely affect the integrity of the European site before consent can be given.

13.2.2 The subject site with a stated area of 2.5 hectares, is located to the north of the Omni Park Shopping Centre, Santry, Dublin 9. The site adjoins a large Lidl store and is separated to a c. 2m high block wall. To the south of the site, within the Omni Park complex, is the IMC cinema. Car parking associated with overall Omni Park is located centrally, to the south of the site. The Shanliss housing estate is located to the west of the site. The gardens of traditional two storey semi-detached dwellings bound the site along the west. The site is currently accessed from the Santry Hall Industrial Estate.

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

13.2.4 The screening report identifies fifteen European Sites within the potential zone of influence and these are as follows:

Name	Site Code	Distance from Site
North Dublin Bay SAC Conservation Objectives: To maintain and restore the favourable conservation condition of the qualifying interests. Qualifying Interests Mudflats and sandflats not covered by seawater at low tide [1140]	(000206)	5.5km

<p>Annual vegetation of drift lines [1210]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330]</p> <p>Mediterranean salt meadows (Juncetalia maritimi) [1410]</p> <p>Embryonic shifting dunes [2110]</p> <p>Shifting dunes along the shoreline with Ammophila arenaria (white dunes) [2120]</p> <p>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p> <p>Humid dune slacks [2190]</p> <p>Petalophyllum ralfsii (Petalwort) [1395]</p>		
<p>South Dublin Bay SAC</p> <p>Conservation Objectives:</p> <p>To maintain the favourable conservation condition of Mudflats and sandflats not covered by seawater at low tide in South Dublin Bay SAC, which is defined by the following list of targets:</p> <ul style="list-style-type: none"> <li>• The permanent habitat area is stable or increasing, subject to natural processes.</li> <li>• Maintain the extent of the Zostera – dominated community, subject to natural processes.</li> <li>• Conserve the high quality of the Zostera –dominated community, subject to natural processes</li> <li>• Conserve the following community type in a natural condition: Fine sands with Angulus tenuis community complex.</li> </ul> <p>Qualifying Interests</p>	(000210)	6.6km

<p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Annual vegetation of drift lines [1210] <i>Salicornia</i> and other annuals colonising mud and sand [1310]</p> <p>Embryonic shifting dunes [2110]</p>		
<p><b>Baldoyle Bay SAC</b></p> <p><b>Conservation Objectives:</b></p> <p>To maintain the favourable conservation condition of the qualifying interests.</p> <p><b>Qualifying Interests</b></p> <p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p><i>Salicornia</i> and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>) [1330]</p> <p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p>	(000199)	6.9km
<p><b>Malahide Estuary SPA</b></p> <p><b>Conservation Objectives:</b></p> <p>To maintain and restore the favourable conservation condition of the qualifying interests.</p> <p><b>Qualifying Interests</b></p> <p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p><i>Salicornia</i> and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>) [1330]</p> <p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p> <p>Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120]</p>	(000205)	8km

Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]		
<p>Howth Head SAC</p> <p>Conservation Objectives:</p> <p>To maintain the favourable conservation condition of the qualifying interests.</p> <p>Qualifying Interests</p> <p>Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]</p> <p>European dry heaths [4030]</p>	(000202)	10.1km
<p>Rockabil to Dalkey Island SAC</p> <p>To maintain the favourable conservation condition of the qualifying interests.</p> <p>Qualifying Interests</p> <p>Reefs [1170]</p> <p>Phocoena phocoena (Harbour Porpoise) [1351]</p>	(003000)	10.8km
<p>Irelands Eye SAC</p> <p>Conservation Objectives:</p> <p>To maintain the favourable conservation condition of the qualifying interests.</p> <p>Qualifying Interests</p> <p>Perennial vegetation of stony banks [1220]</p> <p>Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]</p>	(002193)	11.7km
<p>Rogerstown Esturay SAC</p> <p>Conservation Objectives:</p>	(000208)	12km

<p>To maintain and restore the favourable conservation condition of the qualifying interests.</p> <p><b>Qualifying Interests</b></p> <p>Estuaries [1130]</p> <p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>) [1330]</p> <p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p> <p>Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120]</p> <p>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p>		
<p>South Dublin Bay and River Tolka Estuary SPA</p> <p><b>Conservation Objectives:</b></p> <p>The maintenance of habitats and species within Natura 2000 sites at favourable conservation condition will contribute to the overall maintenance of favourable conservation status of those habitats and species at a national level.</p> <p><b>Qualifying Interests</b></p> <p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</p> <p>Ringed Plover (<i>Charadrius hiaticula</i>) [A137]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Knot (<i>Calidris canutus</i>) [A143]</p> <p>Sanderling (<i>Calidris alba</i>) [A144]</p>	(004024)	3.7km

Dunlin ( <i>Calidris alpina</i> ) [A149] Bar-tailed Godwit ( <i>Limosa lapponica</i> ) [A157] Redshank ( <i>Tringa totanus</i> ) [A162] Black-headed Gull ( <i>Chroicocephalus ridibundus</i> ) [A179] Roseate Tern ( <i>Sterna dougallii</i> ) [A192] Common Tern ( <i>Sterna hirundo</i> ) [A193] Arctic Tern ( <i>Sterna paradisaea</i> ) [A194] Wetland and Waterbirds [A999]		
North Bull Island SPA Conservation Objectives: To maintain the favourable conservation condition of the qualifying interests. Qualifying Interests Light-bellied Brent Goose ( <i>Branta bernicla hrota</i> ) [A046] Shelduck ( <i>Tadorna tadorna</i> ) [A048] Teal ( <i>Anas crecca</i> ) [A052] Pintail ( <i>Anas acuta</i> ) [A054] Shoveler ( <i>Anas clypeata</i> ) [A056] Oystercatcher ( <i>Haematopus ostralegus</i> ) [A130] Golden Plover ( <i>Pluvialis apricaria</i> ) [A140] Grey Plover ( <i>Pluvialis squatarola</i> ) [A141] Knot ( <i>Calidris canutus</i> ) [A143] Sanderling ( <i>Calidris alba</i> ) [A144] Dunlin ( <i>Calidris alpina</i> ) [A149] Black-tailed Godwit ( <i>Limosa limosa</i> ) [A156] Bar-tailed Godwit ( <i>Limosa lapponica</i> ) [A157] Curlew ( <i>Numenius arquata</i> ) [A160] Redshank ( <i>Tringa totanus</i> ) [A162] Turnstone ( <i>Arenaria interpres</i> ) [A169] Black-headed Gull ( <i>Chroicocephalus ridibundus</i> ) [A179] Wetland and Waterbirds [A999]	(004006)	5.5km

<p>Baldoyle Bay SPA</p> <p>Conservation Objectives:</p> <p>To maintain the favourable conservation condition of the qualifying interests.</p> <p>Qualifying Interests</p> <p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Shelduck (<i>Tadorna tadorna</i>) [A048]</p> <p>Ringed Plover (<i>Charadrius hiaticula</i>) [A137]</p> <p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Wetland and Waterbirds [A999]</p>	(004016)	7.2km
<p>Malahide Estuary SPA</p> <p>Conservation Objectives:</p> <p>To maintain the favourable conservation condition of the qualifying interests.</p> <p>Qualifying Interests</p> <p>Great Crested Grebe (<i>Podiceps cristatus</i>) [A005]</p> <p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Shelduck (<i>Tadorna tadorna</i>) [A048]</p> <p>Pintail (<i>Anas acuta</i>) [A054]</p> <p>Goldeneye (<i>Bucephala clangula</i>) [A067]</p> <p>Red-breasted Merganser (<i>Mergus serrator</i>) [A069]</p> <p>Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</p> <p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Knot (<i>Calidris canutus</i>) [A143]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p>	(004025)	8km

<p>Black-tailed Godwit (<i>Limosa limosa</i>) [A156]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Wetland and Waterbirds [A999]</p>		
<p>Irelands Eye SPA</p> <p>Conservation Objectives:</p> <p>To maintain and restore the favourable conservation condition of the qualifying interests.</p> <p>Qualifying Interests</p> <p>Cormorant (<i>Phalacrocorax carbo</i>) [A017]</p> <p>Herring Gull (<i>Larus argentatus</i>) [A184]</p> <p>Kittiwake (<i>Rissa tridactyla</i>) [A188]</p> <p>Guillemot (<i>Uria aalge</i>) [A199]</p> <p>Razorbill (<i>Alca torda</i>) [A200]</p>	(004117)	11.5km
<p>Rogerstown Estuary SPA</p> <p>Conservation Objectives:</p> <p>To maintain and restore the favourable conservation condition of the qualifying interests.</p> <p>Qualifying Interests</p> <p>Greylag Goose (<i>Anser anser</i>) [A043]</p> <p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Shelduck (<i>Tadorna tadorna</i>) [A048]</p> <p>Shoveler (<i>Anas clypeata</i>) [A056]</p> <p>Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</p> <p>Ringed Plover (<i>Charadrius hiaticula</i>) [A137]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p>	(004015)	12.3km

Knot ( <i>Calidris canutus</i> ) [A143] Dunlin ( <i>Calidris alpina</i> ) [A149] Black-tailed Godwit ( <i>Limosa limosa</i> ) [A156] Redshank ( <i>Tringa totanus</i> ) [A162] Wetland and Waterbirds [A999]		
Howth Head Coast SPA Conservation Objectives: To maintain or restore the favourable conservation condition of the qualifying interests. Qualifying Interests Kittiwake ( <i>Rissa tridactyla</i> ) [A188]	(004113)	12.6km

### 13.3 Connectivity-Source-Pathway-Receptor:

13.3.1 The submitted AA Screening Report makes full consideration of the Connectivity-Source-Pathway-Receptor model for each of the fifteen identified sites. The following is found in summary:

Site	Connection	Comment
North Dublin Bay SAC	Yes	<p>At operational stage, wastewater will be sent to the Ringsend Wastewater Treatment Plan (WWTP) via the existing public network and will be treated at the WWTP, surface water discharge to the public network that outfalls to the River Wad that discharges to marine environment at Clontarf.</p> <p>Indirect connection. No impact anticipated due to distance and the lack of any relevant ex-situ factors of</p>

		significance to the listed species or habitats.
South Dublin Bay SAC	Yes	<p>At operational stage, wastewater will be sent to the Ringsend Wastewater Treatment Plan (WWTP) via the existing public network and will be treated at the WWTP, surface water discharge to the public network that outfalls to the River Wad that discharges to marine environment at Clontarf.</p> <p>Indirect connection. No impact anticipated due to distance and the lack of any relevant ex-situ factors of significance to the listed species or habitats.</p>
Baldoyle Bay SAC	Yes	<p>At operational stage, wastewater will be sent to the Ringsend Wastewater Treatment Plan (WWTP) via the existing public network and will be treated at the WWTP, surface water discharge to the public network that outfalls to the River Wad that discharges to marine environment at Clontarf.</p> <p>Indirect connection. No impact anticipated due to distance and the lack of any relevant ex-situ factors of significance to the listed species or habitats.</p>
Malahide Estuary SAC	Yes	<p>At operational stage, wastewater will be sent to the Ringsend Wastewater Treatment Plan (WWTP) via the existing public network and will be treated at the</p>

		<p>WWTP, surface water discharge to the public network that outfalls to the River Wad that discharges to marine environment at Clontarf.</p> <p>Indirect connection. No impact anticipated due to distance and the lack of any relevant ex-situ factors of significance to the listed species or habitats.</p>
Howth Head SAC	Yes	<p>At operational stage, wastewater will be sent to the Ringsend Wastewater Treatment Plan (WWTP) via the existing public network and will be treated at the WWTP, surface water discharge to the public network that outfalls to the River Wad that discharges to marine environment at Clontarf.</p> <p>Indirect connection. No impact anticipated due to distance and the lack of any relevant ex-situ factors of significance to the listed species or habitats.</p>
Rockabil to Dalkey Island SAC	Yes	<p>At operational stage, wastewater will be sent to the Ringsend Wastewater Treatment Plan (WWTP) via the existing public network and will be treated at the WWTP, surface water discharge to the public network that outfalls to the River Wad that discharges to marine environment at Clontarf.</p> <p>Indirect connection. No impact anticipated due to distance and the lack</p>

		of any relevant ex-situ factors of significance to the listed species or habitats.
Irelands Eye SAC	Yes	<p>At operational stage, wastewater will be sent to the Ringsend Wastewater Treatment Plan (WWTP) via the existing public network and will be treated at the WWTP, surface water discharge to the public network that outfalls to the River Wad that discharges to marine environment at Clontarf.</p> <p>Indirect connection. No impact anticipated due to distance and the lack of any relevant ex-situ factors of significance to the listed species or habitats.</p>
Rogerstown Estuary SAC	Yes	<p>At operational stage, wastewater will be sent to the Ringsend Wastewater Treatment Plan (WWTP) via the existing public network and will be treated at the WWTP, surface water discharge to the public network that outfalls to the River Wad that discharges to marine environment at Clontarf.</p> <p>Indirect connection. No impact anticipated due to distance and the lack of any relevant ex-situ factors of significance to the listed species or habitats.</p>
South Dublin Bay and River Tolka Estuary SPA	Yes	At operational stage, wastewater will be sent to the Ringsend Wastewater Treatment Plan (WWTP) via the existing

		<p>public network and will be treated at the WWTP, surface water discharge to the public network that outfalls to the River Wad that discharges to marine environment at Clontarf.</p> <p>Indirect connection. No impact anticipated due to distance and the lack of any relevant ex-situ factors of significance to the listed species or habitats.</p>
North Bull Island SPA	Yes	<p>At operational stage, wastewater will be sent to the Ringsend Wastewater Treatment Plan (WWTP) via the existing public network and will be treated at the WWTP, surface water discharge to the public network that outfalls to the River Wad that discharges to marine environment at Clontarf.</p> <p>Indirect connection. No impact anticipated due to distance and the lack of any relevant ex-situ factors of significance to the listed species or habitats.</p>
Baldoyle Bay SPA	Yes	<p>At operational stage, wastewater will be sent to the Ringsend Wastewater Treatment Plan (WWTP) via the existing public network and will be treated at the WWTP, surface water discharge to the public network that outfalls to the River Wad that discharges to marine environment at Clontarf.</p>

		Indirect connection. No impact anticipated due to distance and the lack of any relevant ex-situ factors of significance to the listed species or habitats.
Malahide Estuary SPA	Yes	<p>At operational stage, wastewater will be sent to the Ringsend Wastewater Treatment Plan (WWTP) via the existing public network and will be treated at the WWTP, surface water discharge to the public network that outfalls to the River Wad that discharges to marine environment at Clontarf.</p> <p>Indirect connection. No impact anticipated due to distance and the lack of any relevant ex-situ factors of significance to the listed species or habitats.</p>
Ireland Eye SPA	Yes	<p>At operational stage, wastewater will be sent to the Ringsend Wastewater Treatment Plan (WWTP) via the existing public network and will be treated at the WWTP, surface water discharge to the public network that outfalls to the River Wad that discharges to marine environment at Clontarf.</p> <p>Indirect connection. No impact anticipated due to distance and the lack of any relevant ex-situ factors of significance to the listed species or habitats.</p>

Rogerstown Estuary SPA	Yes	<p>At operational stage, wastewater will be sent to the Ringsend Wastewater Treatment Plan (WWTP) via the existing public network and will be treated at the WWTP, surface water discharge to the public network that outfalls to the River Wad that discharges to marine environment at Clontarf.</p> <p>Indirect connection. No impact anticipated due to distance and the lack of any relevant ex-situ factors of significance to the listed species or habitats.</p>
Howth Head Coast SPA	Yes	<p>At operational stage, wastewater will be sent to the Ringsend Wastewater Treatment Plan (WWTP) via the existing public network and will be treated at the WWTP, surface water discharge to the public network that outfalls to the River Wad that discharges to marine environment at Clontarf.</p> <p>Indirect connection. No impact anticipated due to distance and the lack of any relevant ex-situ factors of significance to the listed species or habitats.</p>

13.2.5 There are no ecological networks supporting the identified European sites and there are no other areas of conservation concern that would be affected by the proposed development.

#### 13.4 Screening Report Assessment of Likely Significant Effects:

13.4.1 The submitted AA Screening considers the potential impacts on European Sites from the proposed development. As reported, there are no direct connection between the site and European sites with only indirect connections identified in the form of wastewater from the development, which will be treated at the Ringsend Wastewater Treatment Plan (WWTP) and drainage of surface water to the public network, which entails an outfall to the River Wad 550m from the site and discharge to the marine environment at Clontarf, 3.8km from the site. This plant has capacity to treat the wastewater from this development. Table 2 of the AA Screening Report considers likely significant effects at Construction and Operational stages, and Table 3 deals with In-combination/other effects. No significant effects are identified, and no mitigation measures are required. Best practice construction methods will be employed on site, but these are not necessary to ensure that effects on a European site can be avoided/ reduced.

13.4.2 In-combination effects are considered under Table 3 of the applicant's report and following the consideration of a number of planning applications in the area, there is no potential for in-combination effects given the scale and location of the development.

13.4.3 AA Report Screening Conclusion: The AA Screening has concluded that the possibility of any significant effects on identified, designated European sites can be excluded. The following are noted:

- '1. The Proposed Development is not directly connected with, or necessary to the conservation management of the European sites considered in this assessment.
2. The Proposed Development is unlikely to either directly or indirectly significantly affect the Qualifying interests or Conservation Objectives of the European sites considered in this assessment.
3. The Proposed Development, alone or in combination with other projects, is not likely to have significant effects on the European sites considered in this assessment in view of their conservation objectives.

4. It is possible to conclude that significant effects can be excluded at the screening stage'.

There is no requirement to therefore prepare a Stage 2 – Appropriate Assessment.

### 13.5 Screening Assessment

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

13.5.2 In terms of the zone of influence, I would note that the site is not within or immediately adjacent to a European site and therefore there will be no loss or alteration of habitat, or habitat/ species fragmentation as a result of the proposed development.

13.5.3 There are no watercourses on site and the only connection between the site and the identified European sites would be an indirect linkage by way of the public wastewater system or discharges to surface water (River Wad) through the public surface water network. Considering the distance from the site to the nearest European site and the use of the existing public wastewater treatment, I am satisfied that there would be no significant effect on any identified site.

13.5.4 During the construction phase of development, standard measures will be employed to address surface water run-off and the general management of liquid waste on site. These will be outlined in the adopted Construction Management Plan and any associated documentation. Considering the site layout, location, and distance from the designated sites, there is no realistic likelihood of pollutants reaching the identified Natura 2000 sites.

13.5.5 During the operational phase of the development the surface water drainage design will have full regard to SUDs. The proposed surface water drainage system will ensure that the risk of pollutants entering the marine environment is unlikely to occur.

13.5.6 Foul drainage will be through the existing foul drainage system. Considering the distance from the site to designated sites, there is no significant risk of any pollutants from the development site impacting on any Natura 2000 sites.

13.5.7 I note in full the submitted AA Screening Report and supporting documentation. I note various measures proposed during the construction and operational phase of the development and I am satisfied that these are standard construction/ operational processes and cannot be considered as mitigation measures. These measures 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 am satisfied that the potential for likely significant effects on the qualifying interests of Natura 2000 sites in the Irish Sea/Dublin Bay, from surface water runoff, can be excluded given the distant and interrupted hydrological connection, the nature and scale of the development and the distance and volume of water separating the application site from Natura 2000 sites in the Irish Sea/Dublin Bay (dilution factor).

## 13.6 In-Combination or Cumulative Effects

13.6.1 This project is taking place within the context of greater levels of built development and associated increases in residential density in the Dublin area. This can act in a cumulative manner through increased volumes to the Ringsend Wastewater Treatment Plant (WWTP). The expansion of the city is catered for through land use planning by the various planning authorities in the Dublin area, and specifically in the Dublin 9 area in accordance with the requirements of the Dublin City Development Plan. This has been subject to AA by the Planning Authority, which concluded that its implementation would not result in significant adverse effects to

the integrity of any Natura 2000 sites. I note also the development is for a mixed use residential/commercial development in built up urban area/brownfield site, with an appropriate Z4 zoning (residential and commercial uses permitted). As such the proposal will not generate significant demands on the existing public drainage network for foul water and surface water.

13.6.2 Having regard to the scale of development proposed, and likely time for occupation if permitted and constructed, it is considered that the development would result in an insignificant increase in the loading at the Ringsend Wastewater Treatment Plant, which would in any event be subject to Irish Water consent and would only be given where compliance with EPA licencing in respect of the operation of the plant was not breached.

13.6.3 Taking into consideration the average effluent discharge from the proposed development, the impacts arising from the cumulative effect of discharges to the Ringsend WWTP generally, and the considerations discussed above, I am satisfied that there are no projects or plans which can act in combination with this development that could give rise to any significant effect to Natura 2000 Sites within the zone of influence of the proposed development.

### 13.7 AA Screening Conclusion:

13.7.1 It is reasonable to conclude that on the basis of the information provided 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 any European site, in view of these sites' Conservation Objectives, and having regard to the nature and scale of the proposed development and the location of the site in an established, serviced urban area and the separation distance to the nearest European site, no Appropriate Assessment issues arise. It is therefore not considered that the development would be likely to give rise to a significant effect individually or in combination with other plans or projects on any European site.

13.7.2 In consideration of the above conclusion, there is no requirement therefore for a Stage 2 Appropriate Assessment (and for the submission of a Natura Impact Statement - NIS).

## 14.0 Recommendation

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

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

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

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

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

## 15.0 Reasons and Considerations

Having regard to

- (i) the site's location on lands with a zoning objective for mixed use development including residential and commercial and the policy, and objective provisions in the Dublin City Development Plan 2016 - 2022 in respect of residential development,
- (ii) the nature, scale and design of the proposed development which is consistent with the provisions of the Dublin County Development Plan 2016 - 2022 and appendices contained therein,
- (iii) to the Rebuilding Ireland Action Plan for Housing and Homelessness 2016,
- (iv) the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, and the accompanying Urban Design Manual – A Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009,
- (v) the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, issued by the Department of the Housing and Planning and Local Government, December 2020,
- (vi) Housing for All, issued by the Department of Housing, Local Government and Heritage in September 2021
- (vii) the availability in the area of a wide range of social and transport infrastructure,
- (viii) to the pattern of existing and permitted development in the area, and
- (ix) Chief Executive's Report and supporting technical reports of Dublin City Council,
- (x) the comments made at the North Central Area Committee meeting,
- (xi) to the submissions and observations received,

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

## 16.0 Recommended Draft Order

16.1. Application: for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Bord Pleanála on the 26<sup>th</sup> of August 2022 by Serendale Limited.

### 16.2. Proposed Development:

- The provision of 457 no. apartment units comprising 1 no. studio apartment, 221 no. 1-bed apartments, 211 no. 2-bed apartments and 24 no. 3-bed apartments within four blocks. .
- The proposed development will also provide for: 2 no. retail/café/restaurants totalling 430.9sqm, 1 no. residential amenity space of 604.9sqm; 1 no. crèche of 225.7sqm (plus playground of 210sqm); and 1 no. community space of 195.3sqm at ground floor level.
- The provision of 213 no. basement car parking spaces including 11 No. accessible spaces and 22 no. EV charging points. In addition, 7 no. motorcycle parking spaces are provided at basement.
- The provision of 768 no. bicycle parking spaces (504 at basement and 264 at surface).
- Vehicular access is via the entrance to Omni Park Shopping centre off the Swords Road.
- The application contains a statement setting out how the proposal will be consistent with the objectives of the Dublin City Development Plan 2016 - 2022. It is submitted that the proposed apartments have been designed to fully accord with the Sustainable Urban Housing: Design Standards for New Apartments 2018 (these are superseded by the 2020 Guidelines). A full Housing Quality Assessment is submitted which provides details on compliance with all relevant standards including private open space, room sizes, storage and residential amenity areas.

- The proposed development is accompanied with a Material Contravention Statement which sets out justification for the proposed development.
- Section 16.7.2 of the Development Plan identifies building heights for the city and identifies a building height cap of 16 metres for residential development in this location, which is within a 'Low Rise' area. The proposed development includes a section which has a height of circa 41 m.
- The heights of the blocks that comprise the proposed development exceed the 16m height referred to in the Development Plan, and therefore it is considered that this materially contravenes the provisions of Policy SC16, Section 4.5.4.1 and Section 16.7.2 of the Development Plan.

### 16.3. **Decision:**

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

### 16.4. **Matters Considered:**

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

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

- (i) the site's location on lands within a zoning objective for mixed use development including residential and commercial, and the policy and objective provisions in the Dublin City Development Plan 2016 - 2022 in respect of mixed-use development,
- (ii) the nature, scale and design of the proposed development which is consistent with the provisions of the Dublin County Development Plan 2016 - 2022 and appendices contained therein,

- (iii) to the Rebuilding Ireland Action Plan for Housing and Homelessness 2016,
- (iv) the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, and the accompanying Urban Design Manual – A Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009,
- (v) the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, issued by the Department of the Housing and Planning and Local Government, December 2020,
- (vi) Housing for All, issued by the Department of Housing, Local Government and Heritage in September 2021,
- (vii) the availability in the area of a wide range of social and transport infrastructure,
- (viii) to the pattern of existing and permitted development in the area, and
- (ix) Chief Executive's Report and supporting technical reports of Dublin City Council,
- (x) the comments made at the North Central Area Committee meeting,
- (xi) to the submissions and observations received,
- (xi) the Inspectors report

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

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

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

## **16.6 Environmental Impact Assessment:**

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

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

The Board considered that the environmental impact assessment report, supported by the documentation submitted by the applicant, identifies and describes adequately the direct, indirect and cumulative effects of the proposed development on the environment.

The Board agreed with the summary and examination, set out in the Inspector's report, of the information contained in the environmental impact assessment report and associated documentation submitted by the applicant made in the course of the application.

The board considers 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, land and material assets arising from facilitating the potential development of additional housing and other accommodation on zoned serviced land accessible to a district centre and public transport.
- Potential effects arising from noise and vibration during construction which will be mitigated by appropriate management measures.
- Potential effects on air during construction which will be mitigated by a dust management plan including a monitoring programme.
- Potential indirect effects on water which will be mitigated during the occupation of the development by the proposed system for surface water management and attenuation with respect to stormwater runoff and the drainage of foul effluent to the

public foul sewerage system, and which will be mitigated during construction by appropriate management measures to control the emissions of sediment to water.

- A positive effect on the streetscape because the proposed development would improve the amenity of the land through the provision of dedicated public open spaces and improved public realm.

The likely significant environmental effects arising as a consequence of the proposed development have therefore been satisfactorily identified, described and assessed.

The Board completed an environmental impact assessment in relation to the proposed development and concluded that, subject to the implementation of the mitigation measures proposed in each chapter of the Environmental Impact Assessment Report, and, subject to compliance with the conditions set out herein, the effects on the environment of the proposed development by itself and cumulatively with other development in the vicinity would be acceptable. In doing so, the Board adopted the report and conclusions of the reporting inspector.

## **16.7 Conclusions on Proper Planning and Sustainable Development:**

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

16.7.2 The Board considered that the proposed development is, apart from the building height parameters, broadly compliant with the current Dublin City Development Plan 2016 - 2022 and would therefore be in accordance with the proper planning and sustainable development of the area.

16.7.3 The Board considers that, while a grant of permission for the proposed Strategic Housing Development would materially contravene the Dublin City Council

Development Plan 2016-2022 with respect to building height limits for the area. The Board considers that, having regard to the provisions of section 37(2) of the Planning and Development Act 2000, as amended, the grant of permission in material contravention of the Dublin City Council Development Plan 2016-2022 would be justified for the following reasons and considerations:

- With regard to S.37(2)(b)(i), the proposed development is in accordance with the definition of Strategic Housing Development, as set out in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016 and delivers on the Government's policy to increase delivery of housing from its current under-supply as set out in Rebuilding Ireland Action Plan for Housing and Homelessness issued in July 2016.
- With regard to S.37(2)(b)(iii), the proposed development in terms of height is in accordance with national policy as set out in the National Planning Framework, specifically NPO 13 and NPO 35, and is in compliance with the Urban Development and Building Height Guidelines, in particular SPPR3

## 17.0 Conditions

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

**Reason:** In the interest of clarity.

2. Permission is for a five year period from the date of this grant of permission.

**Reason:** In the interests of clarity.

3. The specific use of the 2 no. units at ground floor level described in the public notices as retail/non-retail service/restaurant units shall be agreed with the Planning Authority in writing prior to the occupation.

**Reason:** In the interests of clarity.

4. The number of residential units permitted by this grant of permission is 457 no. units in the form 1 no. studio apartment, 221 no. 1-bed apartments, 211 no. 2-bed apartments and 24 no. 3-bed apartments.

**Reason:** In the interests of clarity.

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

**Reason:** In the interest of visual amenity.

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

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

7. The proposed development shall amended as follows...

(a) The 22 units in Block D featuring internal kitchens Block D (D1-0.1, D1-0.8, D1-1.1, D1-1.8, D1-2.1, D1-2.8, D1-3.1, D1-3.8, D1-4.1, D1-4.8, D1-5.1, D1-5.8, D1-6.1, D1-6.8, D1-7.1, D1-7.8, D1-8.1, D1-8.8, D1-9.1, D1-9.8, D1-10.1, D1-10.8) shall be amended to provide for shared living kitchen dining areas.

(b) Alterations shall be made to reduce the number of units with access to balconies from bedroom (142 units/31%) only to at most 20% of units proposed in the total development. This shall be achieved by provision of doors from main living space and extension or relocation of balconies to allow for access from the living space.

The amended plans shall be submitted to and agreed in writing with the Planning Authority prior to the commencement of development.

Reason: In the interests of residential amenity.

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

**Reason:** In the interest of urban legibility.

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

**Reason:** In the interests of amenity and public safety.

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

**Reason:** In the interests of visual and residential amenity.

11. The road network serving the proposed development, including turning bays, junction with the public road, parking areas, footpaths and kerbs, access road to service areas and the undercroft car park shall be in accordance with the detailed construction standards of the Planning Authority for such works. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

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

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

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

13. A minimum of 10% of all car parking spaces should be provided with functioning EV charging stations/ points, and ducting shall be provided for all remaining car parking spaces, 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. The car parking spaces for sole use of the car sharing club shall also be provided with functioning EV charging stations/ points.

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

14. A total of 768 no. bicycle parking spaces shall be provided within the site. Details of the layout, marking demarcation and security provisions for these spaces shall be as submitted to An Bord Pleanála with this application, unless otherwise agreed in writing with, the planning authority prior to commencement of development.

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

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

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

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

**Reason:** In the interest of public health.

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

**Reason:** In the interest of residential and visual amenity.

18. (a) The communal open spaces, including hard and soft landscaping, car parking areas and access ways, communal refuse/bin storage, and all areas not intended to be taken in charge by the local authority, shall be maintained by a legally constituted management company
- (b) Details of the management company contract, and drawings/particulars describing the parts of the development for which the company would have responsibility, shall be submitted to, and agreed in writing with, the planning authority before any of the residential units are made available for occupation.

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

19. (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.

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

**Reason:** In the interest of sustainable waste management.

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

including:

- a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
- b) Location of areas for construction site offices and staff facilities;
- c) Details of site security fencing and hoardings;
- d) Details of on-site car parking facilities for site workers during the course of construction;
- e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
- f) Measures to obviate queuing of construction traffic on the adjoining road network;
- g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
- i) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- j) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- k) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- l) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.
- m) A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the Planning Authority.

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

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

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

23. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -

(a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,

(b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and

(c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

**Reason:** In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

24. The developer shall consult with the Dublin Airport and Irish Aviation Authority to agree any proposals for crane operations (whether mobile or tower crane) prior to the commencement of development.

**Reason:** In the interest of orderly development.

25. 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.

26. 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.

26. 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.

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Colin McBride  
Senior Planning Inspector

19<sup>th</sup> November 2022