



An  
Bord  
Pleanála

## Inspector's Report

### ABP-314791-22

#### Development

578 Residential units,  
Library/community hub, childcare  
facility, supermarket, 5 retail units, 2  
café/restaurant units, open space and  
all associated works.

#### Location

Emmet Road, Inchicore, Dublin 8.

#### Applicant(s)

Dublin City Council

#### Type of Application

Section 175(3) of the Planning and  
Development Act 2000 (as amended)

#### Prescribed Bodies

Fáilte Ireland  
Department of Housing, Local  
Government and Heritage  
Department of Tourism, Culture, Arts,  
Gaeltacht, Sport and Media  
The Heritage Council  
An Taisce  
Chomhairle Ealaíon (Arts Council)

Inland Fisheries Ireland  
CIE  
National Transport Authority  
Transport Infrastructure Ireland  
Irish Water

**Observer(s)**

Brid Smith TD and Others  
Cllr Máire Devine & Aengus O  
Snodaigh TD  
D8 Green Bridge Forum  
Inchicore Regeneration Consultative  
Forum  
Saint Michael's Estate Regeneration  
Team

**Date of Site Inspection**

28<sup>th</sup> February 2023

**Inspector**

Rachel Gleave O'Connor

# Contents

|   |    |
|---|----|
| 1.0 Introduction.....                           | 4  |
| 2.0 Site Location and Description .....         | 4  |
| 3.0 Proposed Development .....                  | 5  |
| 4.0 Planning History.....                       | 8  |
| 5.0 Relevant Planning Policy .....              | 9  |
| 6.0 Third Party Observations .....              | 16 |
| 7.0 Prescribed Bodies.....                      | 21 |
| 8.0 Assessment.....                             | 22 |
| 9.0 Environmental Impact Assessment (EIA) ..... | 55 |
| 10.0 Appropriate Assessment (AA) Screening..... | 80 |
| 11.0 Conclusion .....                           | 89 |
| 12.0 Recommendation .....                       | 90 |
| 13.0 Reasons and Considerations .....           | 90 |
| 14.0 Conditions .....                           | 94 |

## 1.0 Introduction

- 1.1. This is an application for development approval submitted to An Bord Pleanála (the Board) under Section 175(3) of the Planning and Development Act 2000, as amended. Applications under Section 175(3) are made by Local Authorities when the authority proposes to carry out development within its functional area, in respect of which an Environmental Impact Assessment Report (EIAR) has been prepared.

## 2.0 Site Location and Description

- 2.1. The subject site is located in the south west of Dublin City, north of the Grand Canal and adjacent to Richmond Barracks in Inchicore Dublin 8. The site is bounded by Saint Vincent Street West to the west, the former Richmond Barracks buildings to the east, Emmet Road to the north and the Goldenbridge Cemetery to the south. It is situated immediately adjacent to Inchicore 'village' and Inchicore Community Sports Centre is located to the east of the subject site.
- 2.2. The subject site itself is currently formed of open grass area (previously occupied by the now demolished St Michael's Estate), hardstanding areas and structures. It is a mixture of brownfield areas for the former St Michael's Estate, and currently includes the St Michael's Community Centre and Eve Tuiscint Health Centre, which are due to be demolished under a separate Part 8 development.
- 2.3. To the west of the site is 2 storey terraced housing, Mercy Secondary School, the 5 storey Tyrone Place Estate and Our Lady of Lourdes Primary School. To the east of the site is 2 storey housing in the Bulfin Estate, Richmond Barracks with visitor and cultural uses, Inchicore primary Care Centre and the 4 storey Thornton Heights. To the north, Emmet Road is characterised by 2 storey redbrick terrace housing and commercial units directly abutting the street, with more modern, taller development (4 and 5 storeys) situated to the north west. To the south the subject site adjoins the Goldenbridge Cemetery with the Grand Canal and its greeway area situated further to the south.
- 2.4. To the north western corner of the site, there is a section of historic walling which previously formed the boundary of the Richmond Barracks and remains a protected structure as part of the registered protected structure listing for the barracks.

Richmond Barracks is to the west and outside of the site redline, it is a protected structure (RPS no.8705), as is Inchicore Public Library (RPS no.8839). St Michael's Church is also situated outside of the site to the north west and is a protected structure (RPS no.2639). To the south of the site there are additional protected structures associated with Goldenbridge Cemetery, specifically the Chapel (RPS no.7817), Cemetery with walls and gates (RPS no.7818) and Convent (RPS no.7816).

2.5. The site is circa 4.68 ha inclusive of areas along Emmet Road to facilitate connection to water infrastructure, while the main proposed development area is circa 3.72 ha.

### **3.0 Proposed Development**

3.1. The proposed development comprises the following:

- 578 no. apartments consisting of 110 no. studios, 172 no. 1 bedroom, 250 no. 2 bedroom (including 17 no. duplex apartments) and 46 no. 3 bedroom apartments, all with balcony or terrace.
- Community hub/library, creche, supermarket, 5 no. retail/café/restaurant/class 2 financial services units & 2no. café/restaurant units.
- Public plaza fronting onto Emmet Road.
- The development includes water main upgrade along the Emmet Road from the subject site for c. 200m to the junction with Tyrconnell Road/Grattan Crescent and tie in works surrounding the site.
- The proposal includes works to a protected structure (RPS no.8705 Richmond/Keogh Barracks) relating to works and alterations (including reduction in height, removal of sections, and provision of new openings) to rubble stone boundary wall.
- Block A comprises 306 no. apartments consisting of 76 no. studio apartments, 100 no. 1 bedroom apartments, 104 no. 2 bedroom apartments and 26 no. 3 bedroom apartments as well as a management office c. 59 sq. m) in a series of blocks as follows: Block A1 - 5 storeys (35 no. apartments), Block A2 - 7 storeys (55 no. apartments), Block A3 - 5 storeys (39 no. apartments), Block A4 - 5 storeys (20 no. apartments), Block A5 - 7 storeys (54 no. apartments),

Block A6 – 5 storeys (37 no. apartments with café/restaurant at ground floor c. 80 sq. m), Block A7 – 7 storeys (54 no. apartments), and Block A8 – 3 storeys, (6 no. apartments/ 6 no. duplex units).

- Block B comprises 181 no. apartments consisting of 24 no. studio apartments, 43 no. 1 bedroom apartments, 103 no. 2 bedroom apartments and 11 no. 3 bedroom apartments) in a series of blocks as follows: Block B1 – 5 storeys over partial below ground partial basement level (33 no. apartments) with an adjacent 2 storey creche of c. 816 sq. m with associated play areas, Block B2 – 7 storeys (54 no. apartments), Block B3 – 3 storeys (4 no. apartments/4 no. duplex units), Block B4 – 5 storeys (38 no. apartments), Block B5 – 7 storeys (48 no. apartments), including 2 no. duplex units fronting onto internal street, as well as provision of energy centre with associated plant/switch rooms and water storage/plant space (at partial below ground/basement level).
- Block C comprises 5 storeys with 7 storey element consisting of 91 no. apartments (10 no. studio apartments, 29 no. 1 bedroom apartments, 43 no. 2 bedroom apartments & 9 no. 3 bedroom apartments – including 5 no. duplex apartments fronting onto internal street), communal open space at third floor level, supermarket (including off-licence) of c. 2,476 sq. m GFA (c. 1,765 sq. m net retail sales area) at first floor level, with ground floor café/restaurant (c. 205 sq. m), 5 no. units (retail/café/restaurant/class 2 financial services floorspace c. 564 sq. m – to be amalgamated/subdivided as required); D) In the northern portion of the site the provision of a community hub/library of c. 2,810 sq. m (4 no. storeys) with flexible internal meeting rooms/spaces including internal double height halls as well as roof garden/terrace areas at second and third floor (roof levels).
- A new Vehicular access (as well as new adjacent service access) will be provided from St. Vincent Street West into the undercroft level of Block C (with 3 no. internal streets provided between St. Vincent Street West and “Patriot’s Path” and Thornton Heights along boundary with Goldenbridge cemetery). The proposal also provides 106 no. car parking spaces, 8 no. motorcycle spaces as well as 1,285 no. cycle spaces within the blocks and single storey external covered store as well as surface spaces. (At undercroft

level of Block C, the development includes 54 no. car parking spaces, 5 no. motorcycle spaces and 104 no. cycle spaces).

- Provision of 3 no. main areas of public open space and a “sports zone” area adjacent to the existing Inchicore Sports Community Centre c. 0.72 hectares as well as communal open space for the residents within the blocks.
- The development will also provide for all associated works and infrastructure to facilitate the development, including accommodation works, site clearance, hard and soft landscaping (to tie into existing streets), ESB substations, bin storage, green roofs, solar panels, heat pump systems (at roof level), play equipment, attenuation areas and connection to foul and surface water drainage and water supply, and construction access will be from St. Vincent Street West and Patriot’s Path as required.

3.2. Existing structures associated with the former St. Michaels Estate are situated to the north of the site and are to be demolished under a separate Part 8 development. While these demolition works are not included in the current application, the EIAR submitted includes these works for the purposes of environmental impact assessment.

3.3. The dwelling mix is as follows:

|                    | <b>Studio</b> | <b>1 bed</b> | <b>2 bed</b> | <b>3 bed</b> | <b>Total</b> |
|--------------------|---------------|--------------|--------------|--------------|--------------|
| <b>Total</b>       | 110           | 172          | 250          | 46           | 578          |
| <b>% (approx.)</b> | 19.03%        | 29.75%       | 43.25%       | 7.95%        | 100%         |

3.4. The dwelling tenure is as follows:

|                    | <b>Social Housing</b> | <b>Cost Rental</b> | <b>Total</b> |
|--------------------|-----------------------|--------------------|--------------|
| <b>Total</b>       | 137                   | 441                | 578          |
| <b>% (approx.)</b> | 24%                   | 76%                | 100%         |

3.5. Key figures for the development are as follows:

|  |   |
|--|---|
| <b>Site Area in hectares (ha)</b>        | 4.86 ha. (including Irish watermain upgrade)<br><br>Red Line Area 3.72 ha. (net site area)<br><br>3.89 ha. (including taken in charge areas)                  |
| <b>No. of units</b>                      | 578   |
| <b>Density (units per hectare – uph)</b> | 155 uph (based on net site area)  |
| <b>Height</b>                            | 3-7 storeys   |
| <b>Dual Aspect</b>                       | 50.9%   |
| <b>Open Space</b>                        | Public 7,230sqm (19.4% of net site)<br><br>Communal 4,307sqm  |
| <b>Vehicular Access</b>                  | St. Vincent Street West   |
| <b>Car Parking</b>                       | 106   |
| <b>Bicycle Parking</b>                   | 1,285   |
| <b>Creche</b>                            | 816sqm  |
| <b>Other uses</b>                        | Community hub/library 2,810sqm<br><br>Retail Neighbourhood Shop 2,476sqm<br><br>5x retail/retail services units 564sqm<br><br>2x café/restaurant units 285sqm |

3.6. The application is accompanied by an EIAR and AA Screening Statement.

## 4.0 Planning History

### 4.1. Subject Site

4.2. Planning Reg. Ref. 2221/21: On the 25th of May 2021, permission was granted for a Part 8 development to Dublin City Council Housing and Community Services Department for the proposed demolition of the former health centre and St. Michael's



community centre at Emmet Road, Inchicore, Dublin 8 and associated site clearance works which include the remains of a disused halting site together with internal site walls, fences, hard surfaces and utilities. As the demolition of the former health centre and St. Michael's community centre has been approved under Part 8, these works and the associated site clearance do not form part of this current application under section 175 of the Planning and Development Act 2000 as amended; however, the EIAR submitted with this application includes these works for the purpose of the environmental impact assessment.

#### 4.3. Surrounding Area

4.4. Planning Reg. Ref. 4260/19: To the east of the proposed development, Dublin City Council granted permission on the 20th of January 2020 on lands known as Site 1b, St. Michael's Estate, Inchicore, Dublin 8, for development comprising: a one to four storey older persons housing with supports scheme, incorporating: (i) 52 no. apartment dwellings with balconies; (a) 16 no. 2 bedroom apartments; (b) 36 no. 1.5 bedroom apartments.

4.5. ABP Ref. 314091 Liffey Valley to City Centre, County Dublin – Bus Connects: To the north of the subject site on Emmet Road, on the 15th of July 2022, the National Transport Authority lodged the Liffey Valley to City Centre Core Bus Corridor Scheme Compulsory Purchase Order 2022. The Case is due to be decided by 14/07/2023.

## 5.0 **Relevant Planning Policy**

### 5.1. National Planning Policy

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

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, including the associated Urban Design Manual (2009) (the 'Sustainable Residential Development Guidelines').
- Design Manual for Urban Roads and Streets (DMURS) (2019).

- The Planning System and Flood Risk Management (including the associated Technical Appendices) (2009).
  - Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2022) (the 'Apartment Guidelines').
  - Urban Development and Building Height, Guidelines for Planning Authorities (2018) (the 'Building Height Guidelines').
  - Architectural Heritage Protection- Guidelines for Planning Authorities (2011).
  - Childcare Facilities – Guidelines for Planning Authorities (2001).
  - Architectural Heritage Protection Guidelines for Planning Authorities (2011).
- Other relevant policy guidance:

- Project Ireland 2040, National Planning Framework.
- Housing for All.
- Climate Action Plan 2023.

## 5.2. Regional Policy

- 5.2.1. The primary statutory objective of the Strategy is to support implementation of Project Ireland 2040 - which links planning and investment through the National Planning Framework (NPF) and ten year National Development Plan (NDP) - and the economic and climate policies of the Government by providing a long-term strategic planning and economic framework for the Region.
- 5.2.2. RPO 3.2 - Promote compact urban growth - targets of at least 50% of all new homes to be built, to be within or contiguous to the existing built up area of Dublin City and suburbs and a target of at least 30% for other urban areas.
- 5.2.3. RPO – 4.1 – Settlement Hierarchy – Local Authorities to determine the hierarchy of settlements in accordance with the hierarchy, guiding principles and typology of settlements in the RSES.
- 5.2.4. RPO 4.2 – Infrastructure – Infrastructure investment and priorities shall be aligned with the spatial planning strategy of the RSES.
- 5.2.5. RPO 4.3 -Consolidation and Re-Intensification- seeks to support the consolidation and re-intensification of infill / brownfield sites to provide high density and people

intensive uses within the existing built up area of Dublin City and suburbs and ensure that the development of future development areas is co-ordinated with the delivery of key water infrastructure and public transport projects.

- 5.2.6. RPO 4.3 – Dublin City and Suburbs, Consolidation and Re-intensification- Support the consolidation and re-intensification of infill/brownfield sites to provide high density and people intensive uses within the existing built up area of Dublin City and suburbs and ensure that the development of future development areas is co-ordinated with the delivery of key water infrastructure and public transport projects.
- 5.2.7. The site lies within the Dublin Metropolitan Area (DMA) – The aim of the Dublin Metropolitan Area Strategic Plan is to deliver strategic development areas identified in the Dublin Metropolitan Area Strategic Plan (MASP) to ensure a steady supply of serviced development lands to support Dublin’s sustainable growth.
- 5.2.8. Key Principles of the Metropolitan Area Strategic Plan include compact sustainable growth and accelerated housing delivery, integrated Transport and Land Use and alignment of Growth with enabling infrastructure.

### 5.3. Local Planning Policy

- 5.3.1. The applicable Local Planning Policy is set out in the Dublin City Development Plan 2022-2028. Chapter 1 describes the Strategic Context and Vision for Dublin City, the vision for the city is that:

*Within the next 10 years, Dublin will have an established international reputation as one of Europe’s most sustainable, dynamic and resourceful city regions. Dublin, through the shared vision of its citizens and civic leaders, will be a beautiful, compact city, with a distinct character, a vibrant culture and a diverse, smart, green, innovation-based economy. It will be a socially inclusive city of urban neighbourhoods with excellent community and civic infrastructure based on the principles of the 15 minute city, all connected by an exemplary public transport, cycling and walking system and interwoven with a high quality bio-diverse, green space network. In short, the vision is for a capital city where people will seek to live, work, experience, invest and socialise, as a matter of choice.*

- 5.3.2. Chapter 2 sets out the Core Strategy, and identifies the Housing Demand for the years 2022 to 2028 as approximately 40,000 residential units for the six year period

of the Development Plan. Table 2-8 'Core Strategy and Settlement Hierarchy' identifies the subject site as part of SDRA 9 Emmet Road, with a proposed residential yield of 1,050.

- 5.3.3. Chapter 3 of the Plan relates to Climate Action, Chapter 5 concerns Quality Housing and Sustainable Neighbourhoods, Chapter 8 relates to Sustainable Movement and Transport, Chapter 11 deals with Built Heritage and Archaeology.
- 5.3.4. The subject site is zoned Z14 'Strategic Development and Regeneration Areas (SDRAs)' with the objective 'To seek the social, economic and physical development and/or regeneration of an area with mixed-use, of which residential would be the predominant use.'
- 5.3.5. Chapter 13 relates to Strategic Development Regeneration Areas (SDRA).
- 5.3.6. Objective SDRAO1 describes the overarching principles governing development in SDRA areas.
- 5.3.7. Section 13.11 describes SDRA 9 – Emmet Road, of which the subject site forms apart, and the guiding principles for development in this SDRA as follows:

#### **Urban Structure**

- To recognise the natural and constructed features such as rivers, canals and rail lines that have strongly influenced the urban structure of the area, as well as its morphology over the last century.
- To encourage development that reinforces the village cores of Inchicore and Kilmainham, connected by Emmet Road, as the central spine of the area.
- To seek to provide interventions that contribute a finer grain to the urban structure of the wider area, especially on former industrial and institutional lands.
- To recognise and enhance the role that cultural and historic buildings play in the identity and legibility of the wider area.

#### **Land Use & Activity**

- To encourage the transition from industrial or former industrial use to mixed use/residential use in the four 'potential development sites' identified in the

Guiding Principles Map whilst acknowledging the role many of the uses play in the local economy and community.

- To deliver a new civic and community hub as part of the redevelopment of the Emmet Road Regeneration Site.
- To facilitate the reconfiguration/consolidation of educational uses in the Emmet Crescent area.
- To capitalise on the presence of Richmond Barracks and Goldenbridge Cemetery within the Inchicore area and to facilitate the creation of linkages to other nearby historic and cultural uses.

### **Height**

- To support heights of 6-8 storeys for new developments in the SDRA area where conservation and design considerations permit. Opportunities for locally higher buildings above this height are identified in the accompanying Guiding Principles Map.

### **Design**

- To ensure that new buildings respond to the scale and grain of the prevailing character of the particular street.
- To undertake public realm studies for both Kilmainham and Inchicore villages.
- To create a civic plaza at the Emmet Road end of the redeveloped Emmet Road Regeneration Site.
- New apartment buildings to generally have own-door access for all dwellings at ground floor level to contribute to increased vitality and activation of the area.

### **Green Infrastructure**

- To promote the undertaking of a Greening Strategy for the wider Kilmainham Inchicore area.
- To support the re-naturalisation of the Camac River in association with the Camac Flood Alleviation Scheme.

- To better integrate the Grand Canal with the wider Kilmainham-Inchicore area.
- To create a linked network of greening corridors including walkways, biodiversity corridors, cycleways and parks, as identified in the Guiding Principles Map. These should be attractive, welcoming and accessible, feed into a wider network and connect up to the local schools in the area.
- To ensure that the public open space provision of development sites be sited at locations that are visible, accessible and inviting to the wider public.

### **Movement**

- To facilitate delivery of cycle routes identified in the NTA GDA Cycle Strategy.
- To facilitate the delivery of the permeability interventions identified in the Guiding Principles Map, which seek to improve accessibility throughout the area.
- To improve connectivity north-south across the Grand Canal/Davitt Road and east west between Goldenbridge Industrial Estate and the Emmet Road Regeneration Site.
- To encourage development that enhances the vitality of the emerging network of walking and cycling infrastructure.
- To seek the delivery of a new bridge crossing the Grand Canal through any redevelopment of Development Sites 1 and 2 as indicated in the Guiding Principles Map.
- To maximise the potential benefit of the BusConnects project to the SDRA area in terms of public realm improvements, green infrastructure and pedestrian and cycling infrastructure.

5.3.8. The subject site is identified as site no.3 'Emmet Road Regeneration Site' with the following requirements:

*This site is located at the heart of the SDRA area. It is proposed to be redeveloped as a mixed use scheme which, as well as being Dublin City Council's first cost rental residential development, will accommodate a mix of community uses, including a new community centre and library. Commercial units, including a supermarket*

*should be located at the northern end of the site, fronting onto a civic plaza along Emmet Road. The site's redevelopment will serve to tie together the wider SDRA area. In relation to heights, the Emmet Road site is considered capable of delivering a new baseline height of 8 storeys with locally higher buildings in specified locations as detailed in the Guiding Principles Map, Figure 13-9, subject to detailed design and to compliance with Appendix 3 of the development plan. In relation to unit mix and typologies and having regard to the cost rental nature of the scheme and the particular profile of housing provision in the area, the standards set out in Section 15.9.1 of the Plan are not necessarily applicable to the Emmet Road project. Any redevelopment of Tyrone Place should seek to integrate with the wider redevelopment of the Emmet Road Regeneration Site. In particular, along its eastern boundary building heights should address the emerging heights on the opposite side of the St. Vincent St. West. Along the northern boundary, the built form should respond to the prevailing heights and grain of buildings on the opposite side of Thomas Davis St. West and contribute to the creation of a more cohesive character to the street.*

5.3.9. Figure 13-12: SDRA 9 Emmet Road provides a visual overview of these guiding principles.

5.3.10. Chapter 14 describes Land-use Zoning. The subject site is zoned Z14 'Strategic Development and Regeneration Areas (SDRAs)' with the objective 'To seek the social, economic and physical development and/or regeneration of an area with mixed-use, of which residential would be the predominant use.' Childcare facility, community facility, cultural/recreational building and uses, residential, restaurant and shop (local and neighbourhood) are all permissible uses under the zoning.

5.3.11. Chapter 15 sets out the Development Standards to be applied to development proposals.

#### 5.4. Natural Heritage Designations

- South Dublin Bay (0210) 6.8km;
- North Dublin Bay (0206) 9.3km;
- Glenasmole Valley SAC (1209) 9.3km;
- Wicklow Mountains SAC (2122) 11km;

- Rye Water Valley/Cartron SAC (1398) 11.7km;
- Baldoyle Bay SAC (0199) 13.8km;
- Rockabill to Dalkey Island SAC (3000) 15.1km;
- South Dublin Bay and River Tolka Estuary SPA (4024) 6.2km;
- North Bull Island SPA (4006) 9.3km;
- Wicklow Mountains SPA (4040) 11km;
- Baldoyle Bay SPA (4016) 14.2km.

## 6.0 Third Party Observations

6.1. 5 responses were received from third parties in relation to the application and the main matters raised are summarised below:

### 6.2. General, nature, principal of the development

- Dublin City Council should be responsible for the development of all blocks and facilities in the development. Arrangements with private developers in other projects have shown themselves to be open to market vagaries, expensive and difficult to control.
- Concern that DCC is acting as a commercial developer and adhering only to the minimum standards.

### 6.3. Transportation

- Concern that the lack of car parking spaces in the development will lead to parking problems in the wider area.
- Traffic plan for the site during construction needs to prioritise protecting existing residents.
- Management of car parking on adjacent streets requires local consultation, need to ensure access to on-street parking is not lost to residents during and following construction.
- Query what proportion of car parking is for the supermarket and how residents spaces will be allocated.



- Query if adequate EV charging points for cars, bikes and scooters.
- Query if underground car park was considered.

#### 6.4. Residential Amenity

- The 7 storey – Block B requires an in-depth daylight assessment with regards to loss of light, in particular the impact on residents at St Vincent St West.
- 7 storey mass will be overbearing and requires a bright finish.
- Dual aspect units at 50.9% is disappointing.
- Query if extra storage for residents has been considered.
- Too many apartments per core, increasing number of single aspect units.
- 7 storey block near Goldenbridge cemetery should be reduced in height to increase daylight to the communal courtyard and to apartments.
- Dark unlit communal corridors in deep buildings could lead to anti-social problems.
- Block C-3 in most instances is just achieving minimum standards and is below standards in one 2-bed on level 3.
- Privacy issues with corner dwellings.

#### 6.5. Density, Design and Scale

- Failure to build to Universal Design Standards. Development does not meet Objective QHSNO10 Universal Design in the draft DCDP 2022-2028, or the following QHSN21, Housing for People with Disabilities, Universal Design Guidelines for Early Learning and Care Settings and Changing Places: Revised Part M Building Regulations.
- Request a proven, effective 'state-of-the-art' secure access to internal communal green areas and interior of blocks be installed.
- Creche and community hub should be fully accessible for disabled people.
- Increase in number of units has not seen a corresponding increase in open space.

- 7 storey blocks on western perimeter are imposing and despite gaps in blocks A and B on south side will seriously overshadow communal courtyards in block A and B and imposing on existing residents in Tyrone Place.
- Scheme does not identify amount of public open space being provided in relation to the proposed population including surrounding areas e.g. Tyrone Place, Emmet Crescent.
- Not clear if cemetery is in the red line for the application and whether it is considered a green space. Should not be as is inaccessible to the public and primary use is for burials.
- The front of the development needs softening with more greenery – the large area of concrete fronting Emmet Road is less inviting.
- The site is noticeably dark along the protected boundary wall of the graveyard. This area needs a bright finish with adequate lighting and other security measures.
- Will essential plant machinery for lifts, heating electricity etc be an additional height at roof top level or will it be confined to basement.
- The commercial block should be finished to the same standards and blend into the complex.
- Current public open spaces in the development lack robust, bio-diverse use. Development needs to be more permeable so that increased planting and residents can co-exist.
- Lack of clarity as to which spaces are public and which are private or semi-private.
- Public seating proposed does not meet the needs of the elderly / frail as no back or arm rests. Seating should face each other.
- Query over the robustness of design of green spaces and play spaces.
- Area around the sports complex has large blank walls that lack activation and overlooking and are likely to invite antisocial behaviour. Green walls should be installed, also on inward-facing walls and planters on balconies.
- Landscaping is heavily manicured. Sensory plants should be incorporated next to seating.

- Allotments should be incorporated.
- Roof gardens should be incorporated on the proposed residential blocks.
- There should be provision for clothes drying on the roofs and balconies of apartments.
- Proposed playground at the café at Goldenbridge Place should be rethought as site is consistently an anti-social area.
- Rainwater gardens not included in images.
- Need more soft surfaces in playspaces.
- Proposed apartment blocks are grey and uninviting, need more variations in colour.
- Density too high.

#### 6.6. Infrastructure

- A pitch was included in earlier plans for the development and failure to provide it is disappointing.
- Request for a replacement pitch to be included in planning conditions.
- Dublin 8 has a lack of public green space.
- Plan previously showing north / south connectivity and infrastructure is missing.
- Need for additional play grounds.
- Concern that the LUAS line and bus routes will not be able to accommodate the increased level of people.

#### 6.7. Mix

- Proportion of studio units inappropriate for cost rental model which is intended to facilitate long term renting.
- The submitted Residential Market and Demographic Report leaves out Electoral District of Kilmainham B in the analysis.
- Request a full independent housing demand analysis be carried out to determine the future community needs in the area.

#### 6.8. Biodiversity

- Not enough provision for nature in the proposals.
- Trees should be carefully removed and nursed locally.
- Community tree planting should be initiated.
- Potential adverse impact on biodiversity in Goldenbridge Cemetery from increased light pollution.
- Should incorporate swift bricks into the apartment blocks to contribute to wildlife habitat provision.

#### 6.9. Other Comments in Objection

- The development must be considered in terms of its meeting the legally binding objectives on Climate Action and Low Carbon Development. More information needed on this.
- The Climate Action and Energy Statement submitted does not meet the Government's 2021 Climate Action Plan.
- No incorporation of solar panels.
- No audit of materials to assess carbon footprint.
- Development should be independently audited to ensure long-term public investment, fit-for-purpose and a high standard for public housing in full compliance with Government Climate Action Plans.
- Should comply with the Draft DCDP 2022-2028 section 3.5.3 Energy.
- No specific maintenance plan in place.

#### 6.10. Comments in Support

- Welcome the regeneration initiative and the inclusion of cost rental housing.
- The proposed development respects its urban and social context well and its size and scale are appropriate for a city village.
- Welcome the open public spaces anchored in the architectural heritage.
- Welcome the use of the Garden Courtyard Housing Model and the creation of three lung inner courtyards.

- Welcome the increase level of the permeability proposed throughout the site, as well as green edges.
- Welcome the active street frontages and level of bike mobility.
- Welcome the optimised daylight within the residential buildings.
- Welcome that 50% of apartments have dual aspect.
- Welcome floor to ceiling heights to meet daylight requirements, that all stair / lift core access have natural light, the two double height visual gateways providing a link between apartment block's communal open space, minimisation of corridor lengths, light colour of outer fabric, and that apartments have view to outside world.
- Welcome design of the shard Community Hub/Library building and the sustainable environmental strategy of that building, and its flexibility of use, shared spaces and roof gardens.
- Welcome the provision of centralised shared energy centre.
- The number of amenities, such as community facilities, commercial units and public spaces is welcome.
- Positive that public and communal spaces are overlooked. The design creates a safe environment and good passive surveillance.
- Positive that communal open spaces exceed requirement.
- Daylight to communal and public space is positive.
- Good mix of dwelling typologies across the scheme.
- Large apartments.

## 7.0 Prescribed Bodies

### 7.1. Department of Housing, Local Government and Heritage

- Archaeology: On the basis of the submitted EIAR, it is recommended that a planning condition pertaining to Archaeological Monitoring of ground disturbance be included.

## 7.2. Transport Infrastructure Ireland

- No observations to make.

## 8.0 **Assessment**

### 8.1. Preliminary Matters

8.1.1. The subject application was lodged with ABP on 7<sup>th</sup> October 2022, when the Dublin City Development Plan 2016-2022 was in force and this plan is referred to in the applicant's documentation and in third party submissions. The new Dublin City Development Plan 2022-2028 has since been adopted on 2nd November 2022 and came into effect on the 14th December 2022. The 2022 development plan is therefore the development plan applicable to this application, which I have had full regard to in the preparation of my report.

8.1.2. I will address the main planning issues arising from the proposed development under the following headings-

- Principle of Development
- Density
- Built Heritage
- Height, Scale, Mass and Design
- Neighbouring Residential Amenity
- Proposed Residential Standards
- Non-residential Uses
- Traffic and Transport
- Social Infrastructure
- Other Issues

### 8.2. **Principle of Development**

#### 8.2.1. Land use

8.2.2. National policy as expressed within Rebuilding Ireland – The Government's Action Plan on Housing and Homelessness and the National Planning Framework (NPF) – Ireland 2040 supports the delivery of new housing on appropriate sites.

- 8.2.3. Under the Dublin City Development Plan 2022-2028 the subject site is zoned Z14 'Strategic Development and Regeneration Areas (SDRAs)' with the objective 'To seek the social, economic and physical development and/or regeneration of an area with mixed-use, of which residential would be the predominant use.' Childcare facility, community facility, cultural/recreational building and uses, residential, restaurant and shop (local and neighbourhood) are all permissible uses under the zoning.
- 8.2.4. The site is located in SDRA 9 Emmet Road with the following guiding principles for 'Land Use & Activity' under the Development Plan:
- To encourage the transition from industrial or former industrial use to mixed use/residential use in the four 'potential development sites' identified in the Guiding Principles Map whilst acknowledging the role many of the uses play in the local economy and community.
  - To deliver a new civic and community hub as part of the redevelopment of the Emmet Road Regeneration Site.
  - To facilitate the reconfiguration/consolidation of educational uses in the Emmet Crescent area.
  - To capitalise on the presence of Richmond Barracks and Goldenbridge Cemetery within the Inchicore area and to facilitate the creation of linkages to other nearby historic and cultural uses.
- 8.2.5. The proposed development is for mixed use/residential and includes a new civic and community hub. I detail an assessment of built heritage considerations in section 8.4 of this report below, and the connectivity/permeability of the proposed layout in section 8.5 below.
- 8.2.6. Overall, I am satisfied that the proposed development conforms with the applicable land use policy for the site.

### **8.3. Density**

- 8.3.1. I note third party objection in relation to the high density of the proposed development.

- 8.3.2. Project Ireland 2040: National Planning Framework (NPF) seeks to deliver on compact urban growth. Of relevance, objectives 33 and 35 of the NPF seek to prioritise the provision of new homes at locations that can support sustainable development and seeks to increase densities in settlements, through a range of measures. In relation to Section 28 Guidelines, the 'Urban Development and Building Height, Guidelines for Planning Authorities' (Building Height Guidelines), 'Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities' (Apartment Guidelines) and Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities (Sustainable Residential Development Guidelines) all support increases in density, at appropriate locations, in order to ensure the efficient use of zoned and serviced land.
- 8.3.3. Having regard to the Sustainable Residential Development in Urban Areas Planning Guidelines and Circular NRUP 02/2021, the subject site can be considered a city area, situated within the canal ring for Dublin City. The Sustainable Residential Guidelines state that in order to maximise inner city and town centre population growth, there should, in principle, be no upper limit on the number of dwellings that may be provide within any town or city centre site, subject to safeguards. The safeguards relate to compliance with policies and standards, avoidance of negative amenity impact, good space standards, conformity with development plans, desirability of preserving protected buildings and compliance with plot ratio and site coverage standards. Within Brownfield sites in the city, the guidelines state that on sites close to existing or future public transport corridors, the opportunity for re-development to higher densities, subject to the aforementioned safeguards should be promoted, as should potential for car-free developments. The guidelines also state that for sites in public transport corridors, walking distance to public transport nodes (500m walking distance of a bus stop or within 1km of light rail/rail station), in general minimum densities of 50 dph (dwellings per hectare) should be applied.
- 8.3.4. The Apartment Guidelines categories central and accessible locations where higher density development will be suitable, as sites within walking distance (15 mins or 1,000-1,500m) of principal city centres or significant employment locations (such as hospitals), or walking distance (up to 10 mins or 800-1000m) to high capacity public transport such as Luas or walking distance (up to 5 mins or 400-500m) to high frequency (every 10 mins peak hour) urban bus services.



- 8.3.5. The Dublin City Development Plan describes that higher-density development is encouraged along public transport routes. Policy SC10 'Urban Density' states that appropriate densities should be in accordance with the Sustainable Residential Development Guidelines, policy SC11 states that compact growth will be promoted with sustainable densities and intensification on public transport corridors. Appendix 3: Achieving Sustainable Compact Growth Policy for Density and Building Height in the City in the Development Plan, describes the approach to density for the city, with Table 1 giving a net density range for SDRA locations of between 100-250 dph. An indicative plot ratio for regeneration areas of 1.5-3.0 with indicative site coverage of 50-60% is also described.
- 8.3.6. The subject site is situated c.300m walking distance to a bus stop for an existing bus corridor on Emmet Road to the north of the site and c.300 walking distance to Drimnagh Red Line Luas Station to the south of the site. As such, with reference to the Sustainable Residential Development Guidelines the subject site is located within a public transport corridor with access to frequent services. As the subject site is less than 500m to bus stops serving frequent services, c.6 mins walk to a Luas stop and accessible to the range of services and amenities in the locality as well as c.15 mins walk to St. James Hospital (i.e. an employment location), it is also classified as a central and accessible location according to the Apartment Guidelines.
- 8.3.7. The proposed density is 155 dph, situated on a site which is suitable for higher density development, as outlined in the national guidelines referenced above. The density is also within the range set out in Table 1 of Appendix 3 of the Development Plan as described above. Furthermore, the proposed development has a plot ratio of 1:1.53 and site coverage of 33.8%, and does not exceed the indicative ranges set out in Appendix 3 of the Development Plan.
- 8.3.8. Therefore, in my view, the proposed density is within the acceptable density ranges for the subject site, as described in the national guidelines and local planning policy set out above. However, a qualitative assessment is still required of the acceptability of the form of the development with reference to the criteria described in the Sustainable Residential Development Guidelines, and with particular consideration of potential impact upon amenity. I set this out in further detail in sections 8.5, 8.6 and 8.7 below. I also note that the Sustainable Residential Development Guidelines identifies the desirability of preserving protected buildings and their settings and I

consider in detail below the impact of the proposed development upon the historic environment in section 8.4 below. Overall, given the accessible characteristics of the site, I am satisfied that there is nothing to preclude the proposed density level on the site with reference to the above national guidelines, which promote a qualitative assessment, as set out in this report.

#### **8.4. Built Heritage**

- 8.4.1. The subject site forms part of the former Richmond Barracks with a section of historic walling for the barracks remaining to the north west. This is part of a registered protected structure (RPS) listing for the barracks 'Richmond Barracks' RPS no.8705, with remaining elements situated outside of the site redline boundary. This includes RPS no.8839 listed as 'Inchicore Public Library'.
- 8.4.2. There are other protected structures in the immediate setting of the site, including St Michael's Church to the north west (RPS no.2639), additional protected structures associated with Goldenbridge Cemetery to the south, specifically the Chapel (RPS no.7817), Cemetery with walls and gates (RPS no.7818) and Convent (RPS no.7816).
- 8.4.3. The Architectural Heritage Guidelines describes detailed guidance notes for works that may impact protected structures or structures of conservation interest or their setting. Chapter 8 describes the recommended approach to works to walls, and page 118-119 sets out the considerations for planning authorities when reviewing proposals affecting stone walling. Chapter 13 describes considerations for development affecting the setting of a protected structure.
- 8.4.4. The Dublin City Development Plan includes guidance on development that may impact protected structures in Chapter 11: Built Heritage and Archaeology. Policy BHA2 describes that development should conserve and enhance protected structures and their curtilage. Chapter 13 of the Development Plan describes the guiding principles for SDRA 9 'Emmet Road' of which the subject site forms apart, and includes 'To recognise and enhance the role that cultural and historical buildings play in the identity and legibility of the wider area.'
- 8.4.5. The applicant has includes an Architectural Heritage Impact Assessment with their application. This describes the historical development and context of the site, specifically in relation to the Richmond Barracks. A description is provided of the

boundary wall, which was originally constructed in 1810, and has undergone phases of deconstruction throughout the 20<sup>th</sup> century. Of the original boundary wall, two sections remain, one to the east of the site running north to south and forming the boundary between the rear of dwellings on Connolly Avenue and the HSE site, the other at the north west corner of the subject site itself, and formally enclosing this corner of the Barracks complex. A detailed survey is described of the surviving wall sections in the submitted assessment. Former interventions to the wall are catalogued, including height reductions and modern infill with concrete blocks in areas. Detailed descriptions are also provided of adjacent protected structures, including the former soldiers recreations rooms and gymnasium which is now in use as Richmond Barracks Visitors Centre and HSE Building, as well as the former Mortuary Chapel (currently in domestic use), and Goldenbridge Cemetery and associated structures. Structures listed on the National Inventory of Architectural Heritage (NIAH) and structures of interest proximate to the site are also identified.

- 8.4.6. The proposed development involves the demolition of a large extent of the surviving stone wall to the north western corner of the site to facilitate openings and deductions in height to facilitate a less defensive boundary treatment. In light of these demolition works, I note that the Planning and Development Act 2000 states in section 57 (10) (b) that a planning authority or the Board shall not grant permission for the demolition of a protected structure save in exceptional circumstances.
- 8.4.7. I also note that the Architectural Heritage Guidelines state in paragraph 6.8.13 that ‘...Where partial demolition of a protected structure is proposed, the onus should be on the applicant to make a case that the part – whether or not it is original to the structure – does not contribute to the special interest of the whole, or that the demolition is essential to the proposed development and will allow for the proper conservation of the whole structure.’
- 8.4.8. The submitted assessment identifies the significance of the two surviving sections of boundary wall which make up the oldest surviving fabric of the former barracks. The submitted assessment also identifies negative impact associated with the partial demolition of the surviving stone boundary wall to the north western corner of the site. This relates to the loss of historic fabric, and as such, the loss of authenticity to the wall’s original purpose which related to fortification. However, the assessment also identifies that the site has evolved over the past century and the modifications

proposed will enable the remaining elements of the wall to continue to act as a boundary wall, albeit in a modified form. This modification will ensure a prolonged lifespan to the remaining sections of the wall as it continues to serve a function, and mitigation is outlined, including that works are carried out to conservation methods for the retained sections of the stone wall, with a detailed survey and recording of the wall.

- 8.4.9. In my opinion, I am satisfied that the proposed partial demolition works to the surviving section of stone wall to the north west of the site are necessary to create a more appropriate boundary treatment. The original function of the wall as a fortification is no longer operational, and the height and solidity of the wall in a residential area does not contribute appropriately to passive surveillance and good quality street environments. In my opinion, there is a conflict between the historical purpose of the wall for fortification and the evolution of the site and area into a residential location in this sense. As such, the works amount to a purposeful adaptation in my view, which will allow for the preservation of surviving elements into the future as they would serve a more practical boundary wall to the site. In this regard I note that such adaptation to ensure modern purpose is supported in the Architectural Guidelines in appropriate circumstances. I am satisfied that the proposed partial demolition works are exceptional, and as such in accordance with the 2000 Act and the Guidelines, in that they are a necessary element of the development, creating an appropriate boundary treatment for the functions of the site that will ensure the preservation of remaining elements of the protected wall into the future.
- 8.4.10. In relation to the potential impact of the proposed development upon adjacent protected structures / structures of conservation significance, I note Chapter 13 of the Guidelines relates to works in the curtilage and attendant grounds of protected structures. Section 13.8 of the Guidelines goes on to describe considerations for development affecting the setting of a protected structure and details that proposals should not have an adverse effect on the special interest of the protected structure.
- 8.4.11. The closest protected structure to the subject site is Richmond Barracks RPS no. 8705. The Record of Protected Structures categorises it as formed of 'Former St. Michael's CBS building and stone flanking pavilion buildings, formerly known as Richmond/Keogh Barracks, including rubble stone boundary walls.' I have already

considered impact upon the stone boundary wall that forms part of the application site above, here I consider the potential for impact upon those protected structures outside of the site red line boundary.

- 8.4.12. The applicant's submitted Architectural Heritage Impact Assessment details the history of Richmond Barracks originating in 1810, renamed to the Keogh Barracks in 1922. At the end of the 1960's all of the Keogh/Richmond Barracks buildings were demolished to make way for new flat developments comprising the St. Michael's Estate. That estate became beset with anti-social problems and was demolished in 2013. The subject site is formed of lands that previously accommodated the St. Michael's Estate. The remaining barracks buildings that survive immediately to the east of the subject site were constructed in the 1860's and 70's and relate to a former gymnasium building, reading and recreation buildings. The mortuary chapel and Garrison Chapel (now St. Michael's Church) was built in 1857 (RPS. no.2639). The barracks were demilitarised in 1924, and shortly after the gymnasium and recreation buildings were acquired by the Christian Brothers who established a school. The school continued to function until 2006. Currently the northern stone building is part of a HSE Primary Care Centre, and the gymnasium and southern stone building are retained by Dublin City Council, having been converted into a visitor and social centre. The Goldenbridge Cemetery Chapel (RPS no.7817) and associated structures (RPS no.7818) also survive to the south of the site. All of these aforementioned protected structures are of Regional Importance. The remaining barracks buildings are considered to be historically significant as they are almost all that survives of one of Dublin's largest early 19th century military barracks complexes and because of their significance in the context of the 1916 Rising.
- 8.4.13. The proposed development comprises the construction of a series of new residential buildings in blocks up to 7 storeys in height, on lands that historically formed part of Richmond/Keogh Barracks, and more recently the St. Michael's Estate, all of which have since been demolished. The site is separated to the surviving barracks buildings by Patriot's Path to the east. The proposed buildings are between 1 and 5 storeys as they are situated immediately opposite the barracks building, with public open space also proposed immediately opposite the former gymnasium building, and a 7 storey block is proposed beyond this open space. Closest to St. Michael's

Church and on the corner with Emmet Road, the proposed development is up to 4 storeys.

- 8.4.14. The submitted Architectural Heritage Impact Assessment identifies the potential negative impacts upon the setting of adjacent protected structures to the subject site as a result of the proposed development. Currently the subject site is cleared of buildings and structures, and this allows for full appreciation of the protected structures for the barracks and cemetery in wide views along Emmet Road, St. Vincent St. West and Patriots Path. The proposed buildings will be additional elements in the skyline that exceed the height of adjacent protected structures. The proposed buildings will also close off the current wider views of these adjacent protected structures when compared to the current open condition of the subject site. However, the submitted assessment also identifies that the remaining barracks buildings and cemetery protected structures were originally located immediately opposite the original barracks buildings and therefore were never intended to be appreciated in wider views in the locality. It is also noted that the proposed buildings remain visually separate to the protected structures in views along Patriot's Path. Mitigating measures are also identified in the submitted assessment, comprising landscaping and the arrangement of height in a manner sensitive to the adjacent protected structures.
- 8.4.15. In my opinion, the proposed development has been designed in recognition of the historical significance and sensitivity of surrounding structures. The proposed height to blocks is reduced opposite the remaining barracks buildings and relates to the established scale of the existing Inchicore Community Sports building which is currently situated on Patriots Path. This constrained approach to heights along Patriots Path in front of the barracks buildings, ensures that the protected structures retain visibility in views from Emmet road as illustrated in the submitted verified views, specifically VVM 13. It is also intended to reference the historic boundary wall along St. Vincent St. West in the landscape design.
- 8.4.16. While the current site condition is open, this is a temporary condition following the demolition of the former St. Michael's Estate and the proposed development will continue the established residential use of the site. While increased scale is proposed on the subject site and will be viewed in the skyline around existing nearby protected structures, this is a continuation of the evolution of the area, which is

characterised by buildings of both historic and modern periods. I consider height in further detail in section 8.5 below, but I am satisfied that while negative impact may be perceived in the short term, through the change in open context adjacent to the protected structures, this impact is not significant in my view and is similar to the impact that would have been experienced as a result of the previous built context on the site, that was formed by the since demolished St. Michael's Estate. The proposed heights are also reflective of the Development Plan vision for this regeneration area. In addition, I am satisfied that the watermain upgrade along Emmet road to the junction of Grattan Crescent and Tyrconnell Road at Goldenbridge is not expected to have any significant architectural heritage impact.

## **8.5. Height, Scale, Mass and Design**

- 8.5.1. Concerns are raised by third parties regarding the height and scale of the proposed development, particularly in relation to the proposed 7 storey blocks close to Goldenbridge Cemetery and St. Vincent St. West.
- 8.5.2. My assessment of the impact upon surrounding residential amenity including daylight and sunlight, as well as the quality of proposed accommodation, is undertaken in sections 8.6 and 8.7 below. This section of my report appraises the acceptability of the proposed height and design in relation to relevant planning policy and in light of concerns raised.
- 8.5.3. Local planning policy within the Dublin City Development Plan 2022-2028 defines specific heights for this site under SDRA 9 – Emmet Road as follows: 'To support heights of 6-8 storeys for new developments in the SDRA area where conservation and design considerations permit. Opportunities for locally higher buildings above this height are identified in the accompanying Guiding Principles Map.' The Development Plan goes on to say on page 472 that the Emmet Road Regeneration Site is capable of delivering a new baseline height of 8 storeys with locally higher buildings, subject to compliance with Appendix 3 of the Development Plan. As such, the proposed development for heights up to 7 storeys is within the height guidance for the site as part of SDRA 9, as set out in the Development Plan. However, while the proposed heights for the subject site are acceptable in principle, an assessment is still required of conservation and design considerations as referenced above. An assessment of compliance against Appendix 3 of the Development Plan is also set

out further below. I have already described a detailed assessment of conservation interests concerning the site in my built heritage section 8.4 of this report above. In this section of my report I describe a wider design assessment of the proposed development.

- 8.5.4. In terms of national planning policy, the 'Urban Development and Building Heights Guidelines for Planning Authorities' (the Building Height Guidelines) provides clear criteria to be applied when assessing applications for increased height. The guidelines describe the need to move away from blanket height restrictions and that within appropriate locations, increased height will be acceptable even where established heights in the area are lower in comparison. In this regard, SPPRs and the Development Management Criteria under section 3.2 of these section 28 guidelines have informed my assessment of the application. This is alongside consideration of other relevant national and local planning policy standards. Including national policy in Project Ireland 2040 National Planning Framework, and particularly objective 13 concerning performance criteria for building height, and objective 35 concerning increased residential density in settlements. I am also cognisant of guidance under the Urban Design Manual, which has also informed my assessment. Much of the criteria under the manual is reflected in the criteria described under the Building Height Guidelines, which I have used to organise my assessment.
- 8.5.5. SPP1 of the Building Height Guidelines, states that it is Government policy to support increased building height and density in locations with good public transport accessibility. Section 3 of the guidelines confirm this, stating that in the assessment of individual planning applications, it is Government policy that building heights must be generally increased in appropriate urban locations, and that there is a presumption in favour of buildings of increased height in our town/city cores and in other urban locations with good public transport accessibility. Development management criteria are then described to inform this assessment in section 3.2.
- 8.5.6. The first criteria under section 3.2 of the Building Height Guidelines relates to the accessibility of the site by high frequency, high capacity public transport. I have addressed in my report above the accessibility of the site, including the proximity to bus stops. The subject site is served by frequent bus services as it is situated on a bus corridor and is also a short walking distance to high frequency, high capacity



public transport in the form of Luas light rail services. The submitted EIAR details surveys undertaken which demonstrate high capacity on the public transport network to serve the proposed development, and I address this further as part of my EIA in section 9 below.

8.5.7. The second criterion relates to the character of the area in which the development is located. The area surrounding the site is characterised by varying scale. The prevailing scale to the north of the site is 2 storey terraced housing, while to the west, there is the 5 storey Tyrone Place Estate and two schools. To the east of the site is the 2 storey Bulfin Estate, the single storey Richmond Barracks and the 4 storey Thornton Heights. The proposed development is between 1 and 7 storeys in height, with the predominant character formed of blocks between 5 and 7 storeys in height, which are proposed to be arranged in three courtyard formations (A, B and C) south to north across the site. Breaks in the courtyard blocks are also proposed through the incorporation of landscaped gap sections and lower 1-2 storey heights in places.

8.5.8. I have reviewed in detail the submitted drawings, verified views, CGIs and associated reports for the application. In my opinion, the proposed development has been designed to sensitively respond to its context, with a variety to the height and mass of the development that responds to lower rise context. I have already described in section 8.4 above how the proposed development addresses the remaining barracks buildings to the east. There is a proposed 7 storey block situated adjacent to proposed public open space to the east of the site, which increases separation to the nearby barracks buildings. An additional 7 storey block is also proposed to the south east of the site and opposite the 4 storey Thornton Heights estate. The proposed 7 storey blocks to the west of the site are situated opposite the existing 5 storey Tyrone Place blocks which are at an angle to the subject site, increasing separation along their extent. To the north west of the site there are existing 2 storey terraced housing which fronts onto St. Vincent St. West, and the proposed development is 5 storeys where it appears immediately opposite these existing lower rise dwellings, which are currently flanked by the existing 5 storey Tyrone Place blocks to their south. To the north, the proposed development is 4 storeys closest to St. Michael's Church, which remains a prominent feature on Emmet Road as illustrated in the verified document (VVM 4). As such, I am satisfied

that the proposed development would successfully integrate into the area in terms of the heights proposed.

- 8.5.9. In terms of contribution to place-making and visual interest (3.2 criterion), the proposed development includes new cultural uses and public spaces, creating civic spaces for the area. The proposed 4 storey community hub/library building is located onto Emmet Road, and incorporates steps that provide a civic space for informal meeting and sitting. A series of new public open spaces are incorporated between and around the proposed blocks, and enhanced public realm and landscaping is proposed around the existing sports community building to be retained adjacent to the site. Teen and youth play areas are also incorporated in public parts of the site. As such, I am satisfied that the proposed development contributes positively to the streetscape and place-making in the area. I specifically address open space in future detail in section 8.7 below.
- 8.5.10. In terms of the detailed appearance of the blocks (3.2 criteria including avoidance of uninterrupted walls, and materials), the proposal avoids uninterrupted walls, with a staggered arrangement to blocks, incorporation of extensive fenestration and balconies to facades and the use of varied heights to break up the mass and form of the blocks. This ensures that the proposed development is not monolithic or overbearing to its context in my opinion.
- 8.5.11. In relation to the enhancement of public spaces, key thoroughfares, I have already described above the contribution of the proposed development to the creation of new civic spaces, enhanced public realm and cultural uses. I am satisfied that the proposed buildings have been well considered in terms of how they address the street and will improve the enclosure to surrounding streets. Also in accordance with the criteria, the proposal incorporates of sustainable urban drainage systems in reflection of the flood risk management guidelines.
- 8.5.12. In terms of contribution to legibility, the scale of the proposed apartment blocks form a visual marker in the streetscape which will positively contribute towards legibility in the immediate area, whilst ensuring minimal visual intrusion into longer views. This is demonstrated in the submitted verified views document. Entrances to the buildings and routes through the site are clearly defined through design and landscape, with a layout that ensures straightforward and unambiguous routes through the site.

- 8.5.13. In relation to the proposed mix of uses, the proposed development incorporates cultural uses, civic spaces, commercial uses and a range of apartment unit sizes, that will contribute to the overall mix of residential and non-residential uses in the area.
- 8.5.14. Lastly, the section 3.2 criteria under the Building Height Guidelines refers to considerations on daylight and overshadowing. In relation to Building Research Establishments (BRE) criteria for daylight, sunlight and overshadowing, I discuss this in detail below in sections 8.6 and 8.7 of this report. The submission of specific assessments is also referenced in the guidelines. I note the applicant's documents that have informed my assessment (as described here and in sections below), including (but not limited to) the submitted Architectural Urban Design Statement; Architectural Heritage Impact Assessment; EIAR including Landscape and Visual Impact Assessment as well as Verified Views / Photomontages; Sunlight and Daylight Analysis; Microclimatic Wind Analysis and Pedestrian Comfort Report; and Appropriate Assessment Screening Report. Reference should be made to sections 8.4, 8.5, 8.6, 8.7 and 8.10 above and below with respect to how these specific assessments have informed my assessment.
- 8.5.15. I am satisfied that the proposed development would appropriately incorporate the criteria described in section 3.2 of the Building Height Guidelines which I have had regard to above.
- 8.5.16. In relation to local planning policy, I have already identified that the proposed development falls within the height range set out in the Development Plan for SDRA 9 where it is situated. In addition, I note that policy SC17 'Building Height' requires that proposals have a design led approach, with a positive contribution to the city, and regard to performance-based criteria in Appendix 3 which I refer to below.
- 8.5.17. In terms of specific criteria for development in SDRA 9 'Emmet Road' where the subject height is located, I note the guiding principles set out in Chapter 13 of the Development Plan. In this sense, I note the inclusion of a civic plaza in the proposed design to the north of the site and where the proposed community hub fronts onto Emmet Road and adjacent to the proposed supermarket. In addition, I note the inclusion of deck accessed apartment buildings, and own door accessed apartment buildings from courtyards, as well as along the proposed east / west streets. I also

note that the proposed public open spaces are public open space provision of development sites be sited at locations that are situated in visible, accessible locations, with a design that is inviting to the wider public.

8.5.18. Appendix 3, Section 4, Table 3, of the Development Plan is copied below and sets out specific criteria for h assessment of height in development. Page 472 of the Development Plan in relation to SDRA 9 states that locally higher buildings are permissible on the site subject to compliance with Appendix 3. I provide a response (in italic text) to each criterion or cross reference to where this is addressed elsewhere in my report:

- The potential contribution to the development of new homes, economic growth and regeneration in line with the compact urban growth principles set out in the NPF and Project Ireland 2040.

*The proposal is for 578 new apartments to be provided as a mix of social housing and cost rental apartments, directly responding to growth need for affordable housing in the city.*

- Proximity to high quality public transport connectivity, including key public transport interchanges or nodes.

*I address accessibility to public transport and connectivity above in reference to the 3.2 criteria in the Building Height Guidelines, in section 8.3 of my report above and as part of my EIA on transportation in section 9 below.*

- Proximity to a range of employment, services and facilities.

*Addressed in section 8.3 above and in my EIA concerning transportation in section 9 below.*

- Provision of adequate social and community infrastructure.

*The proposed development incorporates a new community hub/library, civic space and open space, providing significant positive benefits to both future and surrounding occupiers of the area.*

- The availability of good walking, cycling and public transport infrastructure.

*The site is located adjacent to Inchicore village and directly accessible via existing footpaths, cycle paths and public transport infrastructure. I also*

*address pedestrian, cycle and public transport infrastructure in more detail as part of my transportation section of my EIA in section 9 below.*

- Appropriate mix of uses, housing typologies and tenures.

*Addressed in reference to the 3.2 criteria in the Building Height Guidelines above and in section 8.7 below.*

- The provision of high quality public open space and public amenities.

*Addressed generally as part of reference to the 3.2 criteria in the Building Height Guidelines above and more specifically in section 8.7 below.*

- The resilience of the location from a public access and egress perspective in the event of a major weather or emergency or other incidents.

*The site is located adjacent to an existing urban village, with unobstructed access and egress to/from the site from surrounding streets.*

- That the ecological and environmental sensitivities of the receiving environments have been adequately assessed and addressed.

*I set out an assessment of biodiversity impact as part of my EIA in section 9 below, as well as an AA Screening in section 10 below, and I have addressed heritage considerations in the receiving environment in section 8.4 above.*

- Appropriate design response that considers the characteristics of the site, any development constraints and prevailing character.

*Addressed in reference to the 3.2 criteria in the Building Height Guidelines above.*

- Adequate infrastructural capacity.

*Addressed as part of my EIA in section 9 below.*

8.5.19. In summary, I am satisfied that the proposed development conforms with relevant policies and criteria under the Development Plan.

## **8.6. Neighbouring Residential Amenity**

### **8.6.1. Daylight and Sunlight**

8.6.2. I note third party objection in relation to overshadowing and loss of light resulting from the proposed development.

- 8.6.3. In this section of my report I address the policy criteria in relation to potential impacts on daylight, sunlight and from overshadowing, upon neighbouring occupiers/sites, in section 8.7 below I address the potential conditions for future occupiers of the development.
- 8.6.4. Criteria under section 3.2 of the Building Height Guidelines include reference to minimising overshadowing and loss of light. The Building Height Guidelines refer to the Building Research Establishments (BRE) 'Site Layout Planning for Daylight and Sunlight – A guide to good practice (2<sup>nd</sup> edition)' and ask that '*appropriate and reasonable regard*' is had to the BRE guidelines. I also note reference to British Standard (BS) 8206-2:2008 'Lighting for buildings - Code of practice for daylighting', which has subsequently been withdrawn and replaced by BS EN 17031:2018 'Daylight in buildings'. While the Building Height Guidelines refer to the 2<sup>nd</sup> edition BRE guidance, I note that a more recent edition ref. BR 209 2022 was published last year, however this has not altered the methodology for the assessment of neighbouring occupiers' daylight, sunlight and overshadowing, and my assessment will refer to the most recent guidelines published in 2022 (3<sup>rd</sup> edition). These standards have therefore informed my assessment of potential daylight and sunlight impact as a result of the proposed development. However, it should be noted that the standards described in the BRE guidelines are discretionary and not mandatory policy/criteria.
- 8.6.5. Section 5 of the BRE guidance notes that other factors that influence layout include considerations of view, privacy, security, access, enclosure, microclimate etc. In addition, industry professionals would need to consider various factors in determining an acceptable layout, including orientation, efficient use of land and arrangement of open space, and these factors will vary from urban locations to more suburban ones.
- 8.6.6. The BRE guidelines state that in relation to daylight to existing buildings:  
*"Loss of light to existing windows need not be analysed if the distance of each part of the new development from the existing window is three or more times its height above the centre of the existing window. In these cases the loss of light will be small..."* (para. 2.2.4)

- 8.6.7. The guidelines also states that if a proposed development is taller or closer than this, a 25<sup>o</sup> line can be drawn from 1.6m above ground from adjacent properties, and if the proposed development is below this line, then it is unlikely to have a substantial effect on the diffuse skylight enjoyed by the existing building.
- 8.6.8. In relation to existing properties that could potentially be impacted, the BRE guidelines recommend that a proposed development does not reduce daylight levels to a VSC (vertical sky component) of less than 27%, or where this is the case, not less than 0.8 times its former value. The guidelines state that if with a new development in place, the VSC to an existing neighbouring property *'is both less than 27% and less than 0.8 times its former value, occupants of the existing building will notice the reduction in the amount of skylight.'* Therefore, the preservation of a minimum VSC of 27% and/or reductions no more than 20% the former value, illustrate acceptable daylight conditions to existing properties. In relation to sunlight to windows, the BRE guidelines refer to a test of Annual Probable Sunlight Hours (APSH) to windows. This checks main living rooms of dwellings, and conservatories, if they have a window facing within 90<sup>o</sup> of due south. If with the development in place, the centre of the window can receive more than one quarter (25%) APSH, including at least 5% of APSH in the winter months between 21<sup>st</sup> September and 21<sup>st</sup> March, then the room should still receive enough sunlight. In relation to overshadowing, BRE guidelines recommend that at least 50% of existing properties rear gardens or other public / communal amenity areas, should receive at least 2 hours of sunlight on the 21<sup>st</sup> March, or not be reduced by more than 20% of the former value.
- 8.6.9. The application includes a Sunlight and Daylight Analysis Report. This describes potential effect upon the daylight, sunlight and from overshadowing upon properties and amenity spaces at 159-183 Emmet Road, St. Vincent Street, Tyrone Place North and South, Emmet Crescent, Day Care Centre, Richmond Barracks and Thornton Heights.
- 8.6.10. The assessment is intended to compare the baseline condition for the site (i.e. the before development condition) to the proposed condition (i.e. the post development condition). In this case, the subject site is currently undeveloped having previously been cleared of buildings. This means that there is currently unobstructed daylight and sunlight access to those areas adjacent to the site. In the BRE Guidelines,

Appendix F 'Setting alternative target values for skylight and sunlight access', it recognises that the target values described '*are purely advisory and different targets may be used based on the special requirements of the proposed development or its location.*' The Appendix goes on to describe circumstances where setting such alternative benchmarks might be permitted, giving examples where a local authority may allow a different baseline for a site.

- 8.6.11. In terms of determining the baseline condition for the subject site, the applicant has presented an alternative baseline which flows from the 2016 Development Plan allowance for 16m high development in this area. However, this 16m reference comes from the former Development Plan 2016-2022, which has subsequently been replaced by the Development Plan 2022-2028 ('the current' plan). In the current Development Plan, there is no reference to a blanket height guide of 16m for SDRAs. The current Development Plan gives a height range of 6-8 storeys for new developments in SDRA 9 where the subject site is located. A 16m storey would be equivalent to a 5 storey residential / 4 storey commercial building (as set out in the para.16.7.2 of the former Development Plan). I consider the alternative baseline in further detail below, following my summary of the results presented.
- 8.6.12. The submitted Daylight and Sunlight Analysis Report demonstrates that 100% of the 135 neighbouring windows assessed at the Day Care Centre, no.'s 159-183 Emmet Road, no.'s 2-15 St. Vincent Street, Tyrone Place, Emmet Crescent and Thornton Heights, will meet either a 27% VSC in the proposed condition, or retain a VSC of at least 0.8 times the alternative baseline condition, with the development in place. In addition, the report demonstrates that APSH targets are met for all neighbouring properties when assessing the proposed development against the alternative baseline condition.
- 8.6.13. In relation to the former Richmond Barracks buildings, these are in use for mixed use / non-residential development. The BRE Guidelines are generally intended for use for rooms in residential dwellings with a requirement for daylight, i.e. living rooms, kitchens and bedrooms, with other non-habitable rooms not being considered. The Guidelines also state that targets may be applied to non-residential buildings where a reasonable expectation of daylight might exist, such as schools, hospitals, hotels and hostels. While the uses within the barracks buildings would not fall under the above uses referenced, they have been included in the assessment for



completeness, albeit without sunlight analysis given as this relates to living rooms. The submitted analysis demonstrates that while the VSC targets will not be achieved in all cases, the 'no sky line' is satisfied (which indicates how good the distribution of daylight is in a room as described in Appendix D of the guidelines). However, in any case, as described above, I am satisfied that daylight requirements would not apply to the uses in the barracks building when considering the BRE Guidelines.

- 8.6.14. In relation to overshadowing, the submitted analysis demonstrates that all neighbouring amenity spaces can be seen to have at least 2 hours of sunlight over at least 50% of their areas on the 21st March as per the BRE guidance.
- 8.6.15. No other neighbouring properties required assessment following the methodology set out in the BRE Guidelines.
- 8.6.16. In summary, the presented analysis describes that the impact of the proposed development upon neighbouring occupiers daylight, sunlight and upon overshadowing, will meet target values set out in the BRE Guidelines, when compared to the presented alternative baseline condition. While there are VSC levels to some surrounding properties that are circa 13% in the proposed development condition, the applicant presents these as meeting the BRE Guidelines because when compared to the alternative baseline scenario, the degree of change is within the parameters described in the Guidelines as being acceptable.
- 8.6.17. In my opinion, I agree with the applicant that the BRE Guidelines give discretion through Appendix 3 to a local authority (or in this case, the Board as the determining authority), to adopt an alternative baseline for a subject site on a case-by-case basis.
- 8.6.18. In this case, the subject site was previously occupied by flat development, with demolition completed in 2013. The site is zoned for residential and intended for development with a height range of 6-8 storeys as described under the Development Plan. Therefore, the undeveloped condition of the site and consequential unobstructed light to surrounding properties is disingenuous in this sense, and an alternative baseline therefore can be accepted in my view given these site-specific circumstances. However, with respect to the selected alternative baseline put forward by the applicant, this is problematic in my view, in the sense that the scenario is not realistic i.e. a 16m high build-up of the entire site area, to street edge and across its extent. The submitted analysis also falls to present the true baseline

condition, and therefore the only impact that can be assessed is against the alternative baseline condition. While this is a flaw in the analysis presented, I do not consider this to be fundamental given the site-specific circumstances of the application. This is particularly considering the demolition of buildings on the site up to 8 storeys in height, the current undeveloped character of the site which can be considered temporary, and the Development Plan height range for the area of 6-8 storeys.

8.6.19. Of specific importance in my view, is that this site is strategically positioned for the delivery of sustainable and affordable housing, with the proposed scale well within the range set out in planning policy for the site. It would in my view, lead to an inefficient and unsustainable development of the site, if height was overly constrained in order to preserve adjoining occupiers' daylight. This is a city area, proximate to the city centre, where high density and buildings of scale are most appropriately located, and in this sense, decreased access to daylight and sunlight is to be expected when compared to more suburban or rural locations. As a result, I am satisfied that the proposed developments potential impact upon surrounding occupiers daylight, sunlight and overshadowing will be within acceptable parameters.

#### 8.6.20. Separation Distances

8.6.21. I note third party objection in relation to potential adverse impact upon the privacy of existing adjacent residents as a result of the proposed development. The Dublin City Development Plan 2022-2028 states in section 15.9.17 that separation distances will be assessed on a case-by-case basis, acknowledging that traditionally a minimum distance of 22m is required between opposing first floor windows. It should also be noted in my view, that this traditional 22m separation has been applied to rear adjacencies between buildings and not in an across street front-to-front arrangement. Front-to-front adjacencies in Dublin City will vary, for example in the area around the subject site, across street adjacencies range from 11m on Tyrconnell Street to the west and 17m on Connolly Gardens to the east, to over 20m on Tyrconnell Road.

8.6.22. In the proposed development, the closest adjacency is to two storey terrace dwellings to the north of St. Vincent Street West, where proposed block C4 is situated c.11.85m to the opposite pedestrian footpath and between c.14-15m to the

fronts of these properties. As these properties front directly onto the street and have no set back / front garden area, it is not unusual for across street adjacencies to be within this range, as demonstrated on Tyrconnell Street to the west and referenced above. Tyrone Place is existing apartment development situated on an angle to St. Vincent Street West and therefore no direct window to window arrangements would occur to the proposed development which would front onto the street, in any case the proposed development is over 17m away from these existing blocks. A flank elevation to an existing multi-unit accommodation block on Emmet Crescent is presented to St. Vincent Street West with habitable room windows within it, and this is situated over 16m away from the proposed development. To the east of the site, the proposed development is situated over 22m away from existing apartments at Thornton Heights and the proposed community hub is approximately 17m away from the existing elderly residential homes in Bulfin Court. The proposed development is also over 15m away from the former Richmond Barracks buildings, albeit there is no residential use in association with that existing building.

- 8.6.23. Overall, I am satisfied that the separation distances demonstrated between the proposed development and surrounding residential dwellings is appropriate and reflective of established across street relationships in both the immediate area and wider city location; and allows the proposed development to appropriately address the street without undue adverse impact upon the privacy of existing residents.

## **8.7. Proposed Residential Standards**

- 8.7.1. In this section of my report, I address the range of applicable standards guiding an appraisal of the quality of proposed accommodation. I note third party comments that provide a subjective critique of the internal design of the proposed residential units, however my assessment is confined to those areas defined by planning policy as set out below.
- 8.7.2. Daylight, Sunlight and Overshadowing
- 8.7.3. The criteria under section 3.2 of the Building Height Guidelines include the performance of the development in relation to daylight in accordance with guides 'like' the 2011 BRE 'Site Layout Planning for Daylight and Sunlight', with measures to be taken to reduce overshadowing in the development. The Apartment Guidelines state that levels of natural light in new apartment developments is an important

planning consideration and regard should be had to guides 'like' A New European Standard for Daylighting in Buildings IS EN17037:2018, UK National Annex BS EN17037:2019 and the associated BRE Guide 209 2022 Edition (June 2022), which succeed the 2011 BRE standards. Where an applicant cannot fully meet all of the requirements of daylight provision set out in the BRE guidelines, compensatory design solutions should be set out. Objective DMS30 of the Development Plan also states that all new residential units should comply with the 2011 BRE Guidelines and B.S. 8206, or other updated documents. However, it should be noted that the standards described in the BRE guidelines are discretionary and not mandatory policy/criteria. Paragraph 1.6 of the BRE guidelines state that the advice it contains should not be used as an instrument of planning policy.

- 8.7.4. Sunlight and Daylight Analysis has been submitted with the application and describes the performance of the proposed apartment blocks in the development against the 2022 BRE guidelines and I.S. EN17037 in relation to daylight and sunlight. As both the Building Height Guidelines and Apartment Guidelines reference guides 'like' the respective BRE versions they reference, I am satisfied that the data and methodology presented in the applicant's submitted report is sufficient for the purposes of my assessment.
- 8.7.5. The 2022 BRE guidelines gives illuminance recommendations of 100 lux in bedrooms, 150 lux in living rooms and 200 lux in kitchens. These are the median illuminances, and accordance with The UK National Annex, which is referenced in the guidelines, these target lux levels are to be exceeded over at least 50% of the assessment points in the room for at least half of the daylight hours. Where a room has a shared use, the highest target should apply (BRE guidelines Appendix C). In the proposed development, where kitchens and dining spaces form part of open plan living areas, the applicant has provided analysis against the higher target i.e. 200 lux.
- 8.7.6. I.S. EN 17037 provides target spatial daylight autonomy (SDA) values to be applied, these values do not vary depending on the room function. Under I.S. EN 17037, at least 50% of the working plane should receive above 300 lux for at least half the daylight hours, with 95% of the working plane receiving above 100 Lux. I.S. EN 17037

- 8.7.7. The submitted report demonstrates that 99% of kitchen/living/dining and bedrooms (1389 of 1404 rooms) would achieve the spatial daylight autonomy targets (the illumination targets described above), when applied to at least 50% of the assessment points<sup>1</sup> in a room, or in other words, over half of the room. This is in accordance with the UK National Annex which is referred to in the Apartment Guidelines.
- 8.7.8. The submitted report confirms that 73% of rooms would meet the standard over 100% of the reference plane, this increases to 92% when considering application to 75% to 100% of the reference plane.
- 8.7.9. The submitted report outlines compensatory measures that have been incorporated in reflection of requirements under section 28 guidelines. In this regard I note that those units that do not meet BRE targets are equipped with one or more of the following compensatory design measures:
- Bedrooms with below target Spatial Daylight Autonomy have kitchen/living/dining rooms with high direct sunlight;
  - In the cases where a room was below target, there are other rooms within the same unit that meet target requirements.
  - Units with a below target bedroom are generally dual aspect.
  - Some units with lower Spatial Daylight Autonomy benefit from views over landscaped courtyards.
- 8.7.10. I also note the importance of this site to improving the streetscape environment of the location, with the proposed apartment blocks fronting onto streets and directly addressing the urban environment as well as proposed open spaces within the development. This ensures much needed passive surveillance and an integration of the proposed housing into the streetscape. The proposed layout has therefore in my view sought to balance the competing needs of maximising proposed occupiers daylight and sunlight amenity with providing an appropriate urban response to a location that has historically suffered from housing that exacerbated social problems (such as the former St. Michael's Estate on the site), rather than positively

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<sup>1</sup> The assessment grid is a grid of calculation points on the reference plane that is used to calculate daylight factor or illuminance from daylight.

contributing to the creation of high quality environments, which, in my opinion, would be achieved by the proposed development.

- 8.7.11. In relation to sunlight and overshadowing, there is no specific requirement under the Building Height or Apartment Guidelines in application of the BRE guidelines. Reference in those section 28 guidelines is specifically to daylight in relation to application of the BRE guidelines. However, targets are provided in the BRE guidelines with respect to sunlight to domestic uses and overshadowing of amenity spaces in new developments, and therefore I address these matters here.
- 8.7.12. The BRE guidelines state that new buildings will appear reasonably sunlit provided:
- At least one window wall faces within 90° of due south and
  - A habitable room, preferably a main living room, can receive a total of at least 1.5 hours of sunlight on 21<sup>st</sup> March.
- 8.7.13. In the proposed development, 97% of units are demonstrated to meet the BRE targets for sunlight, equating to a very good degree of compliance in my view.
- 8.7.14. In relation to overshadowing, it is recommended in the BRE guidelines that at least half a garden or amenity area should receive at least two hours of sunlight on the 21<sup>st</sup> March. The submitted analysis includes Site Shading Diagrams in Appendix A and I am satisfied that this demonstrates that communal and open spaces in the proposed development will comply with minimum BRE targets with respect to overshadowing.
- 8.7.15. Overall, I am satisfied that the proposed development will experience acceptable daylight, sunlight and overshadowing conditions and that it does accord with criteria described in the BRE guidelines, albeit, in recognition that this guidance is flexible and requires a reasoned judgement to be made on all aspects of design, and that in compliance with section 28 guidelines compensatory measures have been identified for units that do not meet minimum target levels.
- 8.7.16. Dual Aspect
- 8.7.17. As described in section 11.3 above, the subject site is situated in a Central and/or Accessible location as defined by the Apartment Guidelines. Under SPPR 4 of those guidelines, developments in such areas, should provide a minimum of 33% dual aspect units. The proposed development has 50.9% dual aspect units exceeding the minimum requirement under the guidelines.

8.7.18. Internal Space Standards

8.7.19. I note third party concern regarding the compliance of all proposed units with minimum standards. I have reviewed the submitted Housing Quality Assessment and this confirms that all of the proposed units comply with minimum floor areas as described in the Apartment Guidelines.

8.7.20. Floor to Ceiling Heights

8.7.21. The floor to ceiling height of the ground floor to the proposed apartment blocks is 2.7m in compliance with SPPR 5 of the Apartment Guidelines.

8.7.22. Privacy

8.7.23. The proposed development has been designed to ensure that there are no directly opposing windows closer than 22m, in accordance with the Development Plan. I note that the applicants submitted Planning Report states in relation to separation distances, that in instances where separation is less than 22m, the design avoids direct window to window facing arrangements. I also note that while the Sustainable Residential Development Guidelines refer to a 22m separation for privacy reasons, it states that this may be impractical and incompatible with infill development and it should not be an inflexible obstacle to achieving character in development (section 6.10 of the guidelines). In my opinion, the 22m standard is more applicable to a housing context than to an apartment context. The nature of apartment development is that there is generally no 'back' and as such, adjacencies are usually more proximate than would be expected between the rear of stand alone houses. Overall, I am satisfied that the proposed design is acceptable in this regard and will not lead to unacceptable conditions from overlooking between the proposed units.

8.7.24. Number of Apartments to a Core

8.7.25. SPPR 6 requires a maximum of 12 apartments per floor and the proposed development complies with this with not more than 8 units per core.

8.7.26. Private Amenity Space and Communal / Public Open Space

8.7.27. I note third party objections relating to the quantum of open space provided in the proposed development. The City Development Plan requires new residential development to incorporate a minimum of 10% public open space. The proposed development incorporates 3 main areas of public open space totalling 0.72 hectares

and equating to 19.4% of the site area, exceeding minimum requirements under the Development Plan. Communal open space is also provided for the proposed residents, totally 4,307sqm and exceeding the Apartment Guidelines recommended levels. All proposed units also have access to private open space in the form of a balcony or terrace area which all meet minimum size standards set out in the Apartment Guidelines.

8.7.28. In terms of the quality of open space provided, the proposed development includes play areas and a new plaza area that will benefit both future and existing residents. The spaces are overlooked by the proposed development and good permeability through the site ensures linkages between the spaces. While I note third party comments with respect to the provision of playing pitches, there is no requirement under planning policy for this site to deliver the same. I am satisfied that the proposed development fully complies and exceeds planning policy requirements with respect to the provision of public open space and external amenity space for future residents. While I note third party comments with respect to detailed specifications and design elements of the open spaces, there are no corresponding requirements under the development plan.

8.7.29. Dwelling Mix

8.7.30. I note third party objection in relation to the proposed housing mix.

8.7.31. Policy SC12 of the City Development Plan 'Housing Mix' promotes a variety of housing and apartment types and sizes as well as tenure diversity. The Apartment Guidelines states that up to 50% of a proposed development may comprise 1 bedroom units, with no more than 20-25% being studio units. The proposed development incorporates 19.03% studio units and 29.75% 1 bed units, conforming with the guidelines. The proposed housing is also formed of a mix of social and cost rent housing, diversifying the tenure mix of the area and contributing to much needed affordable housing.

8.7.32. The submitted Architectural Design Statement also confirms that universal design principles have been incorporated into the design. All residential blocks and units are designed in accordance with Technical Guidance Document Part M, Access and Use (2010). In addition, 10% of the social housing units within the overall development are also designed to meet the "UD Homes" Standard in accordance with the



“Universal Design Guidelines for Homes in Ireland” (published by the NDA, Centre for Excellence in Universal Design). Each of these units is provided with own door access and is located on the east / west cross street, in close proximity to the accessible parking bays and set-down areas.

## **8.8. Traffic and Transport**

8.8.1. I address predicted transportation impact to the area as part of the my EIA below, in this section of my report I consider transport planning considerations specific to the proposed development.

### **8.8.2. Access and Layout**

8.8.3. The main car parking area to serve the retail and community uses is proposed to be located in the northern part of the site and will be accessed via a new entrance on the upper section St. Vincent Street West. Directly adjacent this a service access for large delivery vehicles to the main retail unit is proposed, with swept path analysis included in the application. An additional service access, as well as access to residential and car club car parking is proposed to the south of the subject site on St. Vincent Street West. A new road link is also proposed on the southern boundary which will join St. Vincent Street West to St. Michael’s Estate, with additional residential and car club parking located along its length. East-west permeability is provided throughout the site in the form of shared streets with pedestrian and cyclists priority. Overall, the layout and access arrangements for the site are well considered in my opinion, and will ensure good quality permeability and legibility through the site, with a clear street hierarchy to the new routes to be provided.

### **8.8.4. Car Parking**

8.8.5. I note third party objection to the quantum of car parking to be provided, with concern that this is insufficient and will lead to overspill on street parking in the surrounding area.

8.8.6. The City Development Plan includes the following policies relevant to car parking in the proposed development, SMT25 concerning management of on-street parking, SMT26 to ensure adequate parking for short-term shopping / leisure, and SMT27 in relation to car parking in residential and mixed use developments. Appendix 5 of the Development Plan describes the standards for car parking in the city and Table 2

sets out the maximum car parking standards according to zone. Parking Zone 2 occurs alongside key public transport corridors and therefore includes the subject site which is situated immediately adjacent to a Quality Bus Corridor. The plan also states that a relaxation of maximum car parking standards will be considered in Zone 1 and Zone 2 for any site located within a highly accessible location, with a set of criteria that should be demonstrated by applicants looking for relaxed parking provision.

8.8.7. The Apartment Guidelines state in section 4 that in Central and/or Accessible Urban Locations, such as were the subject site is located, the default policy is for car parking provision to be minimised, substantially reduced or wholly eliminated.

8.8.8. The proposed development includes 106 car parking spaces comprising 20 residential spaces, 30 car club spaces, 54 non-residential spaces to serve the commercial and community elements, and 2 spaces for Goldenbridge Cemetery. This equates to a car parking provision of 0.03 spaces per a residential unit when considering dedicated residential bays only, increasing to 0.08 spaces per a residential unit inclusive of car club bays. As such, the proposed development includes less than the maximum provision set out in the Development Plan (1 per apartment), and therefore I have addressed the criteria required for consideration for a relaxation of car parking in zone 2. The Development Plan states on page 256 that applicants must set out a clear case satisfactorily demonstrating a reduction of parking need for the development based on the below criteria. I have provided a summary of the applicants justification for reduced car parking as detailed in their submitted Traffic Impact Assessment in italics beneath each criterion, cross referencing to other parts of my assessment where the same topic has already been addressed:

- Locational suitability and advantages of the site.

*Refer to sections 8.3 and 8.5 above and transportation of my EIA in section 9 below, which all describe the excellent accessibility of the site situated adjacent to the existing village and proximate to the city centre.*

- Proximity to High Frequency Public Transport services (10 minutes' walk).

*As outline in sections 8.3 and 8.5 above, the proposed development is less than 5 minutes walk to both frequent Dublin bus services and stops for the Luas Red Line.*

- Walking and cycling accessibility/permeability and any improvement to same.

*As outlined as part of EIA on transportation impact in section 9 below, the subject site is adjacent to Inchicore Village and benefits from good pedestrian and cycle permeability. I also note guiding principles for SDRA 9 set out in the Development Plan concerning 'movement' which the proposed development appropriately responds to by promoting permeability through the site.*

- The range of services and sources of employment available within walking distance of the development.

*As outlined as part of EIA on transportation impact in section 9 below, the subject site is adjacent to Inchicore Village and proximate to the city centre and c.15 mins walk to St James's Hospital, benefiting from the range of amenities, facilities and employment availability there. This is also addressed as part of my assessment of social infatuation in section 8.11 below.*

- Availability of shared mobility.

*The proposed development incorporates 30 car club spaces that encourages shared car use via membership of a club.*

- Impact on the amenities of surrounding properties or areas including overspill parking.

*The subject site is situated in an area where controlled parking is in operation, and as such, permit and parking tickets are required to park on surrounding streets. As described above, the location benefits from sustainable transport options and car club bays which disincentivise private car ownership.*

- Impact on traffic safety including obstruction of other road users.

*A Road Safety Audit has been undertaken and recommendations incorporated into the design of the proposed development to ensure traffic safety.*

- Robustness of Mobility Management Plan to support the development.

*A Mobility Management Plan is submitted with the application and outlines specific measures to encourage sustainable transport modes. The plan is intended to be continually updated to maximise benefit, and a series of measures are described to assist in achieving its stated objectives.*

- 8.8.9. The submitted TIA also sets out a demographic data that demonstrates that the location of the subject site experiences low levels of car ownership and usage.
- 8.8.10. Overall, I am satisfied that the proposed quantum of residential car parking is acceptable. It is in accordance with the Apartment Guidelines which encourages minimal car parking in locations such as the subject site, and while below levels set out in the Development Plan, these are expressed as a maximum, and the proposed application has included sufficient justification in my view to support the proposed parking provision in accordance with requirements under the Development Plan.
- 8.8.11. In relation to car parking for the non-residential uses proposed, 54 spaces are included in a proposed 'village car park' to serve the retail and community uses located to the northern part of the site and accessed via the upper section of St. Vincent Street West. Under the City Development Plan, a maximum car parking provision of 47 spaces would apply to the totality of non-residential uses proposed at the site. Therefore, the proposed development exceeds the maximum levels described under the Development Plan. Appendix 5 of the Development Plan states with respect to the car parking standards described, that parking provision in excess of maximum standards will only be permitted in exceptional circumstances e.g where necessary for the sustainable development of a regeneration area, with reference to SDRAs (page 256). The proposed development is situated in SDRA 9.
- 8.8.12. Page 32 of the submitted TIA states that spaces are provided for the retail and community uses proposed in accordance with the Development Plan with the remainder of spaces "proposed as a wider community facility to benefit the local residents and facilitate controlled but limited accessibility to the area for users who require a car for travel as well as pass-by trips." The TIA goes on to describe parking management arrangements for the 'village' parking area, which is intended to be controlled by a Management Company "...it is expected that control will initially be via a traditional pay & display system which will be continually monitored and controlled by the Management Company" (pg. 37).
- 8.8.13. I am satisfied that the proposed development allows for an exceedance of maximum parking levels in SDRA areas where wider regeneration objectives apply, and for the proposed development, the non-residential parking incorporated is to serve the wider village area of Inchicore, contributing positively to the regeneration of the area.

- 8.8.14. I note that the Development Plan states in Appendix 5 (section 5.0, page 267) that 50% of spaces in new development should have electric vehicle (EV) charging points and policy CA25 states that sufficient charging points should be included in developments. The submitted application confirms that the proposed development includes 10% EV charging points. Therefore, I am recommending that this be increased to 50% to reflect the current Development Plan requirement, and this can be secured by condition.
- 8.8.15. Overall, I am satisfied that the proposed car parking is acceptable and in accordance with planning policy for the area.
- 8.8.16. Bicycle Parking
- 8.8.17. Bicycle parking standards are set out in Table 1 of Appendix 5 in the City Development Plan. The Apartment Guidelines does not include a specific planning policy requirement for the quantum of cycle parking to be provided, but in paragraph 4.17 describes a general standard of 1 space per bedroom, and visitor cycle parking provided at a ratio of 1 space per 2 residential units.
- 8.8.18. The proposed development incorporates 920 no. spaces for residents; 289 no. residential visitor spaces; 30 no. spaces for the community centre and library; 36 no. spaces for the retail, commercial and café elements; and 10 no. spaces for the creche. The proposed development therefore conforms with the minimum standards set out in both the Development Plan and the Apartment Guidelines for cycle storage.

## **8.9. Social Infrastructure**

- 8.9.1. The application includes a Community and Social Audit. This describes a demographic profile of the area, alongside existing social and community facilities and infrastructure. Open space, sport, recreation, playgrounds, education, healthcare, religious, retail, arts and cultural facilities are identified in the vicinity of the subject site. A Creche Demands and Needs Assessment is also appended to the report and details that additional childcare spaces are required as part of the proposal, and a creche is included to accommodate the future population of the proposed development. Numerous education, health, retail and community facilities are accessible to the subject site, which benefits from proximity to the retail and town centre of Inchicore. In terms of green spaces, Inchicore already has the Grand Canal

Greenway, Grattan Crescent park (newly refurbished) and the Mysteries of the Rosary green core on the Oblates grounds. The proposed development also includes 19.3% of its site area as open green space. The proposed development will also include 2 café/restaurants, 5 retail units, a supermarket and community hub/Library with new public plaza/civic space, further contributing towards social and community provision in the area. Overall I am satisfied that the proposed development will have a positive impact upon social and community infrastructure, with sufficient existing infrastructure in the area, as well as provision in the proposed development itself, to the benefit of both future populations and the existing population of the area. I address public transport capacity separately as part of my EIA in terms of transportation in section 9 below.

## **8.10. Other Issues**

### **8.10.1. Microclimate**

8.10.2. The application includes a Wind Analysis and Pedestrian Comfort report. This demonstrates that the proposed development will not unduly impact local wind microclimate conditions, with no adverse wind effects such as down-draft introduced to the receiving environment as a consequence of the proposal. The proposed landscaping is designed to provide mitigation of wind speeds at ground level and conditions are predominantly suitable for 'Pedestrian Standing/Sitting', with no areas predicated to be 'Uncomfortable'. All balconies and walkways have also been assessed to be suitable for their intended use in relation to wind conditions. I am satisfied that the proposed development is acceptable in relation to microclimatic wind conditions.

### **8.10.3. Water Infrastructure**

8.10.4. I provide an assessment of impact upon surface and foul water connections as part of my EIA below, as well as consideration of flood risk. I also provide assessment of potential impact upon water supply as part of my EIA below. In relation to connections to potable water supply, a new connection is proposed in the form of a new centralised water storage tank, connected via upgraded watermain infrastructure on Emmet Road. The applicant includes a Confirmation of Feasibility letter from Irish Water in relation to these works.

### **8.10.5. Energy**

- 8.10.6. I note third party comments with respect to energy efficiency and response to government climate action. The application includes an Energy Analysis Report, which includes a Climate Action and Energy Statement. This identifies climate mitigation actions and how the design of the proposed development is intended to be resilient to climate change.
- 8.10.7. The proposed development incorporates a centralized air source heat pump system, with district heating pipework to serve the entire site, and providing each unit with hot water and heating. The proposed heat pump system is an extremely highly efficient energy source, and while it uses electricity, due to the low reliance on power and the use of heat from air, it is considered a type of renewable energy.
- 8.10.8. I am satisfied that the proposed development is designed to maximise energy efficiency and incorporates low carbon technologies, in accordance with policy CA8 and Objective SDRAO1 of the City Development Plan. The inclusion of a district heat network also complies with Development Standards under the Plan for SDRAs.

## 9.0 Environmental Impact Assessment (EIA)

This section sets out an Environmental Impact Assessment (EIA) of the proposed project. The development provides for 578 no. apartments Library/community hub, childcare facility, supermarket, 5 retail units, 2 café/restaurant units, open space and all associated works, on a site area of approximately 4.86 ha. (including Irish watermain upgrade) with a red line area of 3.72 ha. (net site area). The site is located within the area of Dublin City Council. A number of topics and issues raised by observers that concern environmentally related matters have already been addressed in the wider planning assessment described above, and where relevant I have cross-referenced between sections to avoid unnecessary repetition.

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

*i) Construction of more than 500 dwelling units;*

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

- 9.2. The current application is for 578 no. apartment units, and therefore exceeds the threshold for mandatory EIA. As such, the applicant has prepared an Environmental Impact Assessment Report (EIAR) for the application.
- 9.3. The EIAR comprises a non-technical summary, a main volume and supporting appendices. Chapter 17 of the main volume provides a summary of the mitigation measures described throughout the EIAR. Each chapter describes the expertise of those involved in the preparation of the EIAR.
- 9.4. As is required under Article 3(1) of the amending Directive, the EIAR describes and assesses the direct and indirect significant effects of the project on the following factors: (a) population and human health; (b) biodiversity with particular attention to the species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC; (c) land, soil, water, air and climate; (d) material assets, cultural heritage and the landscape. It also considers the interaction between the factors referred to in points (a) to (d). Article 3(2) includes a requirement that the expected effects derived from the vulnerability of the project to major accidents and / or disasters that are relevant to the project concerned are considered.
- 9.5. I am satisfied that the information contained in the EIAR has been prepared by competent experts and complies with article 94 of the Planning and Development Regulations 2000, as amended. The EIAR would also comply with the provisions of Article 5 of the EIA Directive 2014. This EIA has had regard to the information submitted with the application, including the EIAR, and to the submissions received from the prescribed bodies and members of the public which are summarised in sections 6 and 7 of this report above.
- 9.6. Vulnerability of Project to Major Accidents and/or Disaster
- 9.7. The requirements of Article 3(2) of the Directive include the expected effect deriving from the vulnerability of the project to risks of major accidents and/or disaster that are relevant to the project concerned.



- 9.8. Chapter 15 Risk Management For Major Accidents And/Or Disasters considers the potential consequences and predicted impacts of the proposed development in relation to vulnerability to major accidents or disasters, as well as the risk to human health, cultural heritage and the environment. Table 15.2 Risk Likelihood considers a range of hazards under headings of weather, hydrological, excavation, road, industrial, explosion, fire, building collapse, hazardous substance and pollution. The EIAR also identifies that there are no SEVESO Sites as defined by the Health and Safety Authority, on the subject site of the proposed development, in the immediate vicinity, or in the surrounding Inchicore Village.
- 9.9. Relevant potential major accidents or hazards for the proposed project include risks of injury or the creation of hazards during construction phase and the risk of fire during the operational phase. Individual chapters within the EIAR also consider other risks, for example in relation to flooding, with mitigation identified where necessary. Section 15.6 outlines mitigation included within the proposed development with respect to construction safety standards and design measures to ensure fire safety.
- 9.10. With the application of mitigation as described in the EIAR, there are no identified incidents or examples of major accidents and or natural disasters that present a sufficient combination of risk and consequence that would lead to significant residential impacts or environmental effects. Having regard to the location of the site and the existing land use as well as the zoning of the site, I am satisfied that there are unlikely to be any effects deriving from major accidents and or disasters.
- 9.11. Alternatives
- 9.12. Article 5(1)(d) of the 2014 EIA Directive requires:
- (d) 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;*
- 9.13. Annex (IV) (Information for the EIAR) provides more detail on 'reasonable alternatives':
- 2. A description of the reasonable alternatives (for example in terms of project design, technology, location, size and scale) studied by the developer, which*

*are relevant to the proposed project and its specific characteristics, and an indication of the main reasons for selecting the chosen option, including a comparison of the environmental effects.*

- 9.14. Chapter 2 Description of the Project and Alternatives Examined in the submitted EIAR considers the reasonable alternatives that have been considered. In relation to alternatives, consideration is given to the do-nothing alternative, which was concluded to likely result in neutral environmental impact, but would also be inappropriate, unsustainable and inefficient use of the strategically positioned, zoned, urban lands. In relation to alternative locations, the subject site is zoned for mixed-use residential development under the ownership of Dublin City Council. The EIAR identifies that the 2018 Department of Housing Planning and Local Government (DHPLG) Guidance notes that consideration of alternative locations may not be appropriate in all cases. As the subject site has been identified to accommodate the uses proposed, alternative locations are not presented. The EIA concludes that the subject site is an appropriate location for the proposed development from an environmental perspective. In relation to alternative uses, with reference to the policies set out in the Development Plan and the characteristics of surrounding uses, it is concluded that other land uses on the site would not be viable alternatives and/or would not be in accordance with planning policy for the subject site. In relation to alternative design and layouts, the EIAR describes 4 alternatives inclusive of the proposed development, with a comparison of likely potential environmental effects. The proposed development is considered in the EIAR to be the optimal design solution for the site delivering an effective and efficient development, consistent with national, regional and local planning policy.
- 9.15. Overall, I am satisfied that, the Directive requirements in relation to the consideration of alternatives have been satisfied.
- 9.16. Consultations
- 9.17. I am satisfied that the participation of the public has been effective, and the application has been made accessible to the public by electronic and hard copy means with adequate timelines afforded for submissions.
- 9.18. Likely Significant Direct and Indirect Effects

- 9.19. The likely significant indirect effects of the development are considered below and reflect the factors set out in Article 3 of the EIA Directive 2014/52/EU.
- 9.20. Population and Human Health
- 9.21. Population and Human Health is considered in Chapter 3 of the EIAR. This chapter describes the baseline characteristics of the study area made up of electoral divisions around the site with respect to economic and employment activity, social patterns, population characteristics, land use, settlement patterns and housing. Potential impact is then described in section 3.8 during both construction and operation phases relating to water, noise and vibration, air quality and climate, economic activity, social patterns, land-use and settlement patterns, housing, employment and health and safety. Mitigation is described in section 3.10 and relates to a range of construction related remedial and mitigation measures. During operational phase, no specific mitigation is required having regard to the mitigation included in other chapters of the EIAR.
- 9.22. During the construction phase, with the application of remedial and mitigation measures, minor temporary residual impacts on population and human health will likely result with respect to nuisance caused by construction activities. These effects will be short-term, not significant and neutral. Imperceptible, positive short-term impacts are also identified with respect to increased employment and economic activity associated with the construction of the proposed development. During operation, positive impact upon population and human health is anticipated as a result of the provision of residential units to meet a growing population, the provision of open space, pedestrian and cyclist/green routes and creche. Slight positive short-term impact is also expected to arise from economic activity in the area, with long term slight positive impact noted for residential accommodation. No additional mitigation is required with respect to cumulative impact, with overall cumulative impact anticipated to be long term and positive due to benefits arising from the development for residents and the wider community.
- 9.23. Overall, I concur with the conclusions of the EIAR with respect to population and human health.
- 9.24. Biodiversity

- 9.25. Chapter 4 of the EIAR considers potential impact upon biodiversity. It describes desktop studies and field surveys of the site to identify the ecological characteristics of the site, including habitat and flora survey, invasive flora survey, non-volant mammal survey, bat survey, breeding bird survey and wintering bird survey.
- 9.26. The closest surface water to the site is the River Camac c.80m to the north of the development site, however the proposed upgrade works to the water supply along Emmet road cross over the River Carmac. The Grand Canal runs c.120m to the south of the site boundary. The River Carmac was assigned Poor water quality status in 2019 and At Risk of achieving its Water Framework Directive status objectives. The subject site is within the Liffey and Dublin Bay catchment and Liffey\_SC\_090 sub-catchment. The River Carmac discharges into the River Liffey c.1.8km to the north east of the subject site, and the status of the Upper Liffey Estuary is Good and its risk status is currently under review. The Grand Canal achieved good ecological potential during the 2013-2018 Water Framework reporting period. The subject site is situated on the Dublin groundwater body, which has Good status with its risk status currently under review. The subject site drains to Emmet Road before discharging to the River Carmac and is served by a dedicated/separate storm water drainage network.
- 9.27. In relation to designated sites, I set out my screening for appropriate assessment with respect to European sites in section 10 below. The EIAR notes that Dublin Bay is designated as a UNESCO Biosphere and that there are two Ramsar Sites at North Bull Island and Sandymount Strand/Tolka Estuary located in Dublin Bay c.7km to the north east of the site. There are also 21 proposed Natural Heritage Areas (pNHAs) within a 15km radius of the subject site, the closest of which are the Grand Canal pNHA 0.1km to the south, Liffey Valley pNHA 2.7km to the north west, the Royal Canal pNHA 3.7km to the north and Dodder Valley pNHA 5.4km to the south, as well as pNHA sites at Dublin Bay c.7km to the north east.
- 9.28. In terms of habitats recorded on the site, this primarily comprises buildings and artificial surfaces (BL3) to the north of the site, with a small flower bed and borders (BC4) to the north-eastern corner, a strip of dry meadows and grassy verges (GS2) to the north and southern boundaries, as well as between buildings to the north of the site. A large area of improved amenity grassland (GA2) is situated to the south of the site, with a stone and mortar wall (BL1) associated with Goldenbridge Cemetery

to the south. No rare or protected flora were recorded on the site. Three invasive plant species were recorded on the subject site, specifically Butterfly Bush (*Buddleja davidii*), Montbretia (*Crococsmia x crocosmiiflora*) and Sycamore (*Acer pseudoplatanus*). No species listed on Schedule III of the European Communities (Birds and Natural Habitats) Regulations 2011 (as amended) were recorded on the subject site.

- 9.29. In relation to mammals, the site is deemed unlikely to attract species such as hedgehogs or pygmy shrews, while a single fox was recorded during a survey in 2021. With respect to bats, these are protected under habitats legislation. In total, 3 species of bat were detected in surveys during July between 2020 and 2022. The existing buildings on the site for demolition were examined for signs of bats and were assessed as having low bat suitability. Overall, bat activity on the site was recorded to be low in 3 separate surveys carried out in July 2020, 2022 and 2021. All trees onsite were also assessed as having negligible potential for bat roosting and no risk for affecting bat roosts.
- 9.30. Survey's for nesting birds were carried out during the breeding bird season in July 2020, May 2021 and June 2022. No evidence of nesting by any species was found. Three bird species listed on the Birds of Conservation Concern in Ireland Amber List and one bird listed on the Red List were recorded in July 2020 and June 2022, however these birds were not recorded to be breeding. Five waterfowl/shorebird species were recorded utilising the subject site. A winter bird survey was undertaken in 2020/21 and recorded Light-bellied Brent Geese (*Branta bernicla hrota*) feeding on the site on one occasion (peak count 14). Gull species such as Herring Gull, Common Gull and Blackheaded Gull were also recorded loafing on the site. Lesser black-backed Gull (*Larus fuscus*) was recorded during the March surveys.
- 9.31. In terms of potential impacts, the EIAR identifies a hydrological connection between the subject site and pNHAs at Dublin Bay, Dublin Bay Biosphere and Ramsar Sites, as well as the River Carmac, via the local drainage network and potential risk of water borne pollutants during the construction phase. As a result, potential impact is also identified with respect to Atlantic salmon, Brown trout, Sea trout, European eel, *Lampetra* spp and White-clawed crayfish, as well as consequently on species that prey on the aforementioned fish and crayfish such as Otter. Potential impact upon bat and bird assemblage is also identified as a result of increased noise, dust and

luminance levels during construction. Therefore, negative, short-term, slight to moderate impacts are identified during the construction phase.

- 9.32. During the operational phase, no significant effects are anticipated. The design incorporates SuDS to treat and minimise surface water runoff. The Grand Canal pNHA to the south of the site is highly urbanised and in regular use by people. With respect to birds, the surveys demonstrate that the site is not an important site for nesting, foraging or roosting in itself. In relation to bird flight over the site, the overall visual solidity (incorporating pre-cast concrete and coloured brick) of the building facades will be sufficient to ensure that bird collision risk is negligible. A public lighting plan will minimise potential ecological impacts of glare and obtrusive light upon bats. Overall, impact is described as neutral during the operational phase.
- 9.33. Mitigation is described in section 4.6 of the EIAR with the overarching mitigation during construction is formed of a Construction Environmental Management Plan. Measures relate to the following; Implementation of measures to protect surface waters in accordance with statutory requirements; Invasive plant species will be removed and disposed of with caution to prevent accidental spread of the plant; To protect bats and other nocturnal fauna from lighting associated with construction, lighting will meet the most recent Bat Conservation Trust Lighting Guidelines; Measures will also be in place to ensure noise disturbance and dust is reduced. Any clearance of vegetation will also be carried out of main bird breeding season and a pre-demolition bat survey will be carried out of buildings. During the operational phase, measures for enhancing bat roosting opportunities will be incorporated, such as the inclusion of pole mounted bat boxes, as well as bat friendly lighting.
- 9.34. With the application of mitigation described in the EIAR, no significant negative residual impact upon local ecology or designated conservation sites are anticipated to result from the proposed development.
- 9.35. I note third party comments that request additional mitigation with respect to ecology/biodiversity, however I am satisfied that the proposed mitigation is sufficient given the characteristics of the site. Overall, I concur with the conclusions described in the EIAR and consider there to be no significant impact with mitigation in place.
- 9.36. Land, soil, water, air and climate

- 9.37. Land and soil are described in Chapter 5 of the EIAR. The EIAR confirms that the subject site is classified as made ground, with subsoil classified as Limestone Till (Carboniferous). The bedrock of the greater Dublin region consists of Dinantian Upper Impure Limestone which is part of the Lucan Formation. The primary groundwater body in the region is the Dublin Urban GWB, which is the Calp Limestone bedrock aquifer, and comprises 'Locally important aquifer, moderately productive only in local zones', and 'Poor aquifer, generally unproductive except for local zones'. The Lucan Formation located in the vicinity of the site is classified as a Locally Important aquifer which is moderately productive in local zones only, with low permeability. Regional groundwater flow is towards Dublin Bay and the Irish Sea to the east. The groundwater vulnerability beneath the site and the area of the proposed watermain upgrade is High. There are localised areas of Extreme groundwater vulnerability within 0.6 km southeast and southwest of the site and watermain upgrade area. The Water Framework Directive groundwater status within the Dublin Urban GWB is 'Good' with risk due to point and diffuse sources of pollution. Groundwater recharge is identified to be low. The site is also within the second lowest classification for Radon. Soil samples were taken from the development portion of the site and confirmed no risk to future commercial or residential receptors following development. While localised exceedances of contamination in groundwater results were recorded, these were minor and not indicative of widespread contamination.
- 9.38. In terms of potential impact, during construction, there is a risk of negative effects as a result of temporary loss of service during watermain upgrade, excavation of soils, construction and public traffic management, and potential accidental spills and leaks during construction. During the operational phase, it is not envisaged that there would be further direct or indirect effects on the existing soils or geology on the site.
- 9.39. Mitigation is set out in section 5.6 of the EIAR and includes incorporated design mitigation, such as SuDS. During the construction phase, a Construction and Environmental Management Plan (CEMP) will be implemented for the development and include a range of site-specific mitigation measures relating to soils. Full and detailed surveys of watermains to be upgraded, diverted, or removed will also be undertaken. Measures will be in place to control soil excavation with implementation of an earthworks handling protocol. Measures to control water run-off will also be

exercised through the CEMP. During the operational phase, mitigation includes regular maintenance of services, SuDS features, attenuations systems, emptying and maintenance of oil separators to mitigate risk of spillages/leaks.

- 9.40. With the application of mitigation measures, the residual impact during construction is anticipated to be slight, negative and permanent. During operational phase, residual impact is expected to be negative, imperceptible and permanent. Overall, I concur with the conclusions described in the EIAR and consider there to be no significant residual impact with mitigation in place. The site is situated in an urban area and is an established development/brownfield site. Redevelopment of the lands will invariably lead to some negative impact as a result of the excavation of soils from the site, however this is demonstrated to range from an imperceptible to slight level of effect with mitigation in place, and is reflective of impact that would generally be experienced across brownfield development sites in the city. I am therefore satisfied that impact is within acceptable parameters for the development of this strategic site.
- 9.41. Chapter 6 of the EIAR considers Water and Hydrology. The groundwater characteristics and hydrological connections are as described above with reference to lands, soils and biodiversity. The EIAR refers to a Site Specific Flood Risk Assessment and confirms that there site is located in Flood Zone C with no apparent flood risk as a result of fluvial or coastal flooding. The subject site is at risk of pluvial flooding in its current condition. There is no historical evidence of flooding on or in the immediate vicinity of the subject site. The surface water drainage network has been designed to ensure no flooding from rainfall events up to and including the 1% Annual Exceedance Probability (AEP), with an additional 20% allowance for climate change projections. Potential impacts are identified in section 6.5 of the EIAR.
- 9.42. During construction, removal of soils will have temporary insignificant effect on groundwater. Negative, slight, temporary effect upon groundwater is also possible from the use of concrete on the site. There is potential for accidental release of fuel oils or chemicals that would have a significant negative effect, temporary in nature, if unmitigated. Possible brief, negative slight effect is also identified with respect to surface water discharges. It is not anticipated that the construction phase would pose a risk to the current status of the waterbody. During operation, the development will have a positive, moderate, permanent effect on the groundwater at the site and local area scale as a result of the covering of the site with buildings and hard



surfaces that would protect groundwater from infiltration. The EIAR also anticipates that the implementation of SuDS across the site will result in a positive impact on the current status of the waterbody and assist in achieving a Good status in the lower reaches in accordance with WFD aims.

- 9.43. Mitigation is set out in section 6.6 with the overarching measures being the incorporation of SuDS into the design of the scheme and in accordance with the requirements of the Greater Dublin Strategic Drainage Study, as well as the implementation of a Construction and Environment Management Plan during the construction phase. I am satisfied with the conclusions described in the EIAR and consider there to be no significant residual impact with mitigation in place.
- 9.44. Air Quality and Climate is addressed in Chapter 7 of the EIAR. This describes the existing air quality baseline conditions for the site, which is typical of an urban location. The existing climate receiving environment is also described, with reference to meteorological data. In terms of potential impact arising from the proposed development, construction related dust and pollutant emissions are identified which would have a negative effect. During the operational phase, impact upon local air quality as a result of traffic increase is identified, with expectation that this would have a slight, long term effect. With respect to climate, marginal raised air temperature could result from construction of new buildings and hard surfaces through the site. Local impact upon micro-climate through wind is also identified as is the contribution of motor vehicles associated with occupation of the development upon atmospheric emissions associated with climate change. Mitigation is set out in section 7.7.1 and includes the use of water suppression techniques during construction to minimise dust generation. Other dust control and air quality monitoring measures are also described with application of a Construction and Environmental Management Plan. During operation, the EIAR identifies the energy efficiency measures incorporated into the design of the proposed development and specific air quality mitigation including use of centralised air source heat pump, electric car charging points, reduced car parking and provision of open space. With the application of mitigation, residual impact during construction is anticipated to be negative, ranging from imperceptible to slight and on a short-term basis, and during operation to be neutral, imperceptible and long term. I am satisfied with the

conclusions described in the EIAR and consider there to be no significant residual impact with mitigation in place.

- 9.45. Specifically in relation to climate, I also address this as part of section 8.10 of my report above, and I am satisfied that the proposed development will not have significant adverse impact upon climate. The proposed development incorporates reduced car parking, is situated in an established urban area with access to amenities and facilities via walking, cycling and high frequency, high capacity public transport. Therefore occupation of this site would likely result in less climate impact than sites in less accessible locations.
- 9.46. Noise and vibrations
- 9.47. Chapter 8 of the EIAR describes Noise and Vibration. This describes baseline noise surveys conducted to the boundaries of the site which demonstrate that the noise environment is characterised by traffic noise from surrounding roads and faintly audible Luas tram movements to the south of the site. Vibration was recorded to be negligible around the site. The level of existing noise is below the Lden and Lnight unacceptable noise limit criteria specified in the Dublin Agglomeration Environmental Noise Plan 2018-2023 and therefore the proposed development will not be subject to unacceptable or adverse road traffic noise.
- 9.48. The likely potential impact of the development during construction phase, comprises noise resulting from demolition, enabling works and construction works on the site. There is also potential for vibration associated with ground breaking and excavation works during construction phase. During operation, potential noise impact will include additional traffic noise associated with the development, the operation of mechanical plant and the operation of the retail/cafe units, community hub/library and the creche.
- 9.49. Mitigation is set out in section 8.7 of the EIAR. During construction, a Construction Phase Noise Management Plan will be prepared and implemented for the site. Measures to ensure construction noise is within an acceptable parameter for surrounding sensitive noise receptors are also described and include use of generators in a noise sensitive manner, use of acoustic screens around equipment, use of exhaust silencers, use of dampers and mufflers and operational/maintenance procedures to reduce noise break out. In relation to vibration, mitigation measures

include the use of lower impact equipment where possible, routing and operating equipment as far away from sensitive receptors as possible, sequencing of operations, use of resilient mounts and maintenance/operational procedures to control vibration. During the operational phase, potential noise generating equipment and commercial uses will be designed to be acoustically insulated. All residential units will also be designed to comply with the sound insulation requirements of Department of the Environment, Building Regulations 2014, Technical Guidance Document E – Sound.

- 9.50. The EIAR concludes in relation to anticipated residual impact, that with the implementation of noise mitigation measures, the daily noise limit of 75 dB(A) LAeq, 7am – 6pm (11hr) will not be exceeded at the closest receptors to the site. It is not expected that the short-term increase in HGV movements associated with the construction phase of the development will have an adverse impact on the existing noise climate of the wider area or on local receptors. Negative impact at a moderate level is predicted to occur from construction Noise for a temporary, short-term period. It is also anticipated that even with mitigation measures, vibration will be perceptible to surrounding sensitive receptors, but that this negative impact will not be at significant levels and will be temporary/short-term. During operation, neutral impact that is not significant on a long term basis is anticipated.
- 9.51. I concur with the conclusions of the EIAR in relation to noise and vibration impacts from the proposed development during both construction and operational phases. In my opinion, it is clear that there is likely to be disruption to users and occupiers of the area surrounding the subject site during the construction of the proposed development, however this will be temporary and incorporate mitigation to limit the degree of disturbance. In my view, it would be inappropriate to stifle development opportunity on this land zoned for residential, because of these temporary, managed, disturbances from construction activities. The application of mitigation measures can be secured through conditions, particularly through the application of a final Construction and Environmental Management Plan for the proposed development. With the application of these mitigation measures and in consideration of the temporary nature of the construction works, I am satisfied that construction impacts (or construction transport impacts) resulting from the proposed development are within acceptable limits.

9.52. Transportation

9.53. Traffic and Transport is described as part of material assets in Chapter 12 of the EIAR. The data presented in the EIAR is informed by the Traffic Impact Assessment and Mobility Management Plan submitted with the application. The EIAR presents the baseline traffic flows for the local road network for the subject site, specifically Grattan Crescent, Tyrconnell Road, Emmet Road and St. Vincent Street West. The baseline pedestrian and cycle infrastructure environment is also described. Existing footpaths provide good quality links, with the site being a short walking distance to a variety of amenities such as shops, schools, gyms, cafes, restaurants, employment areas etc. Upgraded crossing facilities for Emmet Road/St. Vincent's Street West is also planned as part of the Bus Connects proposals for Emmet Road. There are existing cycle facilities in the immediate area, however planned improvements to the cycle network in the vicinity of the subject site are detailed as part of the Greater Dublin Area Cycle Network Plan.

9.54. The subject site is also highly accessible via public transport, with the Luas Red Line located immediately to the south and less than a 5 minutes walk to both Drimnagh stop and Goldenbridge stop. The Red Line provides linkages to key transport interchanges and hubs at Heuston and Connolly Station, as well as linking with the Luas Green Line. There are also a number of Dublin Bus routes operating close to the site, with the closest stop directly adjacent to the northern boundary for the subject site. Proposals set out in Bus Connects would also see improved quality and frequency of services in future, including along Emmet Road. In terms of public transport capacity, this is described in section 10.3.1.6 of the EIAR, and details surveys undertaken which demonstrate capacity to serve the proposed development. The Red Line service has an average frequency of 4mins between 7am and 7pm, with an average of 15 trams in each direction in the peak hour which can facilitate 4,365 trips in each direction (8,730 combined). Site surveys during the peak hour indicated varying usership, with ample capacity observed at the start of the peak hour and demand increasing towards the middle of the peak period, however when one tram was near capacity, the net tram arriving approx. 4 mins later would have high capacity. Which illustrates the relationship between frequency of service and capacity. In relation to bus services, the highest frequency services proximate to the subject site are the no. 13 & 40 Dublin Bus Routes which serve stops on Emmet

Road, directly adjacent to the site. Site surveys indicated reserve capacity on all bus services with a combination of seats and standing room available. Again, it was observed that where a service was close to capacity, the next service arriving at the bus stop shortly after would have a higher degree of capacity.

- 9.55. In terms of potential impact arising from the proposed development, the residential and supermarket uses are expected to be the primary trip generators. Construction phase traffic has also been modelled. During construction, traffic impact will be experienced from construction works and HGV movements, however the level of vehicle traffic generated as a result of these activities is predicted to not be significant and less than operational phase impact. During the operational phase and in the absence of mitigation, significant long term adverse impact could result to the wider road network from excessive car use and increased traffic congestion. Moderate long term adverse impact could also result from poor site permeability and failure to realise local and national sustainable transport objectives. Slight long term adverse impact could result from increased accident risk due to increased vehicle movement.
- 9.56. Mitigation is described in section 10.6 of the EIAR. During construction, implementation of a Construction and Environmental Management Plan and a Construction Traffic Management Plan as part of this, will form the overarching mitigation for the development. Measures will include encouraging construction workers to travel to the subject site using sustainable transport forms, adequate on-site compounding to prevent overflow into the surrounding network, use of shared transport, control of deliveries, and operational procedures to reduce vehicular traffic and associated impacts. During the operational phase, mitigation measures include reduced private car parking to reduce car ownership, inclusion of car club spaces, provision of cycle parking and a high degree of permeability through the site. A site specific Mobility Management Plan will also be implemented to facilitate and encourage sustainable transport modes, as well as a Car Parking Strategy to facilitate reduced car ownership. With the incorporation of mitigation, residual impact is predicted during construction phase to be negative, not significant, local, likely and short-term.
- 9.57. During the operational phase, impact is predicted for base (2019), opening (2024) and future (2039) years. The analysis demonstrates that the assessed junctions will

continue to operate within capacity with the development in place. With the mitigation measures in place, the impact of the proposed development on traffic and transport will be not significant, neutral, local and long-term. In terms of potential cumulative impact, the traffic growth model allows for additional traffic generated by development in the area and specific regard is had to permitted development in the EIAR. In relation to potential impact upon public transport, census data has been used alongside the characteristics of the proposed development to estimate anticipated demand that would arise for public transport. This demonstrates that the demand generated by the development would equate to approximately 1.8% of the bus capacity and 1.2% of the rail capacity which is considered negligible. Survey observations summarised earlier in this section of my EIA also support that there is capacity on the public transport network to serve the development.

9.58. I concur with the conclusions of the EIAR in relation to traffic and transport impact arising from the proposed development during both construction and operational phases, and I am satisfied that no significant adverse impact is predicted.

9.59. Material assets – Archaeology and cultural heritage

9.60. The EIAR describes Cultural Heritage – Archaeology in chapter 13. This describes a detailed description of the archaeological heritage of the site and surrounding area. The results of archaeological monitoring of the site is also provided. There are no recorded monuments within the proposed development area. Beneath demolition material relating to the former social housing that occupied the site, there are the remains of elements associated with the 19th century Richmond Barracks in a number of locations on the site. The EIAR acknowledges the specific cultural heritage significance of the former barracks due to its connections with the 1916 Easter Rising.

9.61. In terms of potential impact, during construction ground disturbances will result in the removal of subsurface remains of the former barracks structures. These works, including the laying of services on Emmet Road, have the potential to result in a direct, negative moderate to significant impact. No other specific cultural heritage impact is anticipated during construction. During the operational phase, no negative direct or indirect impact on archaeological heritage is identified. In terms of cultural heritage, it is possible that the proposed development may result in indirect negative

impact, as a result of diminishing connection to the former barracks and social housing on the site, resulting in moderately negative impact. Mitigation is outlined in section 13.11 and comprises the monitoring of all ground disturbance by a suitably qualified archaeologist. The discovery of features of archaeological potential will trigger further mitigation, such as preservation in-situ or by record. Further mitigation would be approved by the National Monuments Service of the Department. In relation to cultural heritage, permanent information installations are to be created throughout the development to inform the general public of the history and cultural significance of the area. With the implementation of mitigation, there are no predicted residual negative impacts to the archaeological and cultural heritage resource by the proposed development. Information installations that provide historic and cultural heritage context to the site are predicted to have a moderately positive residual impact.

9.62. Cultural Heritage – Architectural Heritage is set out in chapter 14 of the EIAR. This provides a description of the historical characteristics and baseline condition of the site. I have already set out a detailed assessment of heritage considerations for the site in section 8.4 of my report above, and that should be read alongside this section of my EIA. To the north western corner of the subject site, there is a section of historic walling which previously formed the boundary of the Richmond Barracks and remains a protected structure as part of the registered protected structure listing for the barracks. Richmond Barracks is to the west and outside of the site redline, it is a protected structure (RPS no.8705), as is Inchicore Public Library (RPS no.8839). St Michael’s Church is also situated outside of the site to the north west and is a protected structure (RPS no.2639). To the south of the site there are additional protected structures associated with Goldenbridge Cemetery, specifically the Chapel (RPS no.7817), Cemetery with walls and gates (RPS no.7818) and Convent (RPS no.7816). The EIAR describes the potential impact of the proposed development upon architectural heritage.

9.63. During construction, the potential exists for vibration damage, arising from construction and demolition works, which may impact surrounding protected structures and structures of historical merit in the vicinity, such as Richmond Barracks, (including the stone wall), St. Michael’s Church, Goldenbridge Cemetery. This is considered to be a short-term, slight negative impact in the absence of

mitigation. The proposal includes the removal/demolition of sections of north-west wall (protected structure no. 8705) to form new openings. The works also entail the lowering of northern section of boundary wall. The removal of the sections of wall is considered to be a direct negative, moderate, and permanent impact. It is also noted that a permitted Part 8 (PRR 2221/21) allows for the demolition of existing modern structures in the northern part of the site which will facilitate the proposed development. The removal of these structures and their replacement with a new high-quality scheme including a plaza is considered positive and long term in the EIAR.

- 9.64. During operation, there will be no alterations to structures outside of the subject site red line boundary. The proposed development comprises building that are higher than the existing Richmond barracks buildings, ranging from 3 to 7 storeys. This will alter the historic context of the remaining barracks buildings. However, the setting of these buildings was previously formed by a 3 storey soldiers quarters building and then social housing up to 8 storeys in height (the former St. Michael's Estate). As such, the subject site and its relationship with Richmond barracks has altered a number of times since construction. Therefore, the EIAR considers that the impact of the proposed development in this context, would be permanent, neutral and not significant. The same conclusion is also reached with respect to other surrounding protected structures, such as St. Michael's Church and Goldenbridge Cemetery (and associated structures). In relation to the boundary wall, the impact of modifications to the boundary wall is considered to be permanent, negative and significant in the absence of mitigation. The EIAR states that the loss of fabric to form the openings and the further adjustments to the height of the wall dilute its historic function as a boundary wall to the former Barracks site. However, it is also noted that the purpose of the original wall was to defend against ingress into the barracks complex and the subject site is to undergo development for a new use. The fabric of the wall given its association with the barracks is still significant; however, it no longer serves as it was originally intended.
- 9.65. Mitigation is outlined in section 14.7 of the EIAR. During the construction phase, this includes the incorporation of protection to remaining sections of the boundary wall, and the implementation of works in accordance with a method statement which contains mitigation measures and is included in Appendix C of Volume III of the



EIAR. The remaining section of the wall is to undergo conservation works including repointing, stone replacement and works to the wall top. Where sections of wall are removed, the stone will be used elsewhere in the wall as part of repair works.

Mitigation will also include measures to lessen vibration impact. During the operational phase, the development has been designed in a way that mitigates the overall impact of the proposed building on the existing historic structures. This includes setbacks which allow for greater sightlines towards historic structures and public open spaces close to historic buildings to act as a buffer zone and soften the visual impact of the development. The EIAR concludes that permanent residual impact will result from alteration to the wall and closing off of views southwards towards the Goldenbridge Cemetery, however this is balanced against the fact that the proposed development will bring the site back into use with the incorporation of remaining sections of the wall and contributing positively visually and socially to the amenity of the area.

- 9.66. I note that the wall has historic significance in its association with Richmond Barracks, and in turn, the barracks association with the Easter Rising. The proposed mitigation includes the modification of the wall to allow those parts to be retained to serve a modern boundary purpose, thereby securing longevity of the retained wall. In addition, information about the historic significance of the site and wall is also incorporated into the landscape design. In my view, the proposed mitigation in relation to the boundary wall, will ensure that residual impact will not be significant in terms of categorisation for EIA purposes. Therefore, while negative impact would result, this would not be a significant in my view. I am also satisfied that overall impact will be positive when considering surrounding protected structures and the regeneration of the site as a result of the proposed development.
- 9.67. I concur with the conclusions of the EIAR in relation to Cultural Heritage Impact arising from the proposed development, and I am satisfied that adequate mitigation is included to limit impact to acceptable parameters, particularly in balance with the way the subject site has evolved to date and the positive impact to visual and social amenity that will result.
- 9.68. Material assets – Utilities

- 9.69. Chapter 11 describes Waste Management as part of Material Assets. During construction, activities such as excavation and demolition works will generate waste streams. In the lack of waste management, these activities have the potential to have short and long term, significant and negative impact. During the operational phase, waste will be generated by the different occupiers and users of the site, associated with both the domestic and non-domestic uses, specifically the supermarket, retail, café, creche and community uses. In the absence of mitigation, there is potential that lack of management of these waste streams would lead to short and long-term, significant and negative effects. Mitigation is described in section 11.6.1 and during construction forms measures for managing, sorting and disposal of waste, with the implementation of waste management plans. During operation, an Operational Waste Management Plan contains measures to manage waste streams generated as part of occupation of the proposed development. With mitigation in place, negative, not significant, short and long term residual impact is predicted for both construction and operation phase.
- 9.70. Chapter 12 describes Utilities as part of Material Assets. This describes the baseline characteristics of the subject site and its locality in relation to Water (drainage, foul and supply), ESB (electricity), Gas and Telecommunications infrastructure. In terms of potential impact, during construction the proposed development will require some diversion and upgrade of existing water services which could lead to suspension of services. Increased demand could also lead to a drop in water supply pressure. Surface water runoff during construction activities may contain increased silt levels or become polluted from construction activities. Earthworks could also lead to deoxygenation of water in receiving watercourses. In the absence of mitigation, potential impact upon water as a utility could be negative, significant and temporary. In relation to electricity and gas supply, during construction increased demand could lead to temporary outages and diversion works could cause loss of services, with potential for negative, slight to significant, temporary impact. In relation to communications, there is the potential for loss of service to the area during ducting and installation of telecommunications connections. This would have a negative, slight and temporary impact. During operation, increased hardstanding will increase surface water discharge, which in the absence of mitigation could have negative, significant and permanent impact. There is also the possibility that new wastewater

sewers as part of the proposed development could leak, contaminating ground and surface waters. In the absence of mitigation this would be a negative, moderate and permanent impact. In relation to water supply, the proposed development includes a watermain upgrade to accommodate the demand it will generate, however this is likely to provide greater long term capacity, generating positive, moderate and permanent impact. The proposed development will not increase demand on gas supply and therefore impact would be neutral, slight and permanent. In terms of electricity and telecommunications, the proposed development will increase demand on these utilities, and in the absence of mitigation this impact would be negative, slight and permanent.

9.71. Mitigation in relation to utilities is described in section 12.6.1 of the EIAR. During construction, implementation of a Surface Water Management Plan will ensure avoidance and minimisation of effects, with measures reflected in the EIAR and CEMP for the application. To reduce risk of defective or leaking sewers, all new sewers will be pressure tested and CCTV surveyed, works will also have to comply with conditions of a Discharge Licence from Irish Water. Works to watermains will be carried out in a sequenced and planned manner to negate risk of service disruption. In relation to electricity, ESB will install new supplies to the proposed development with works carried out by personnel with required expertise and in compliance with standards. Similarly, works to gas utilities will be carried out by Gas Networks Ireland in accordance with standards. Loss of power and gas services will be controlled to minimise disruption. For telecommunications, the utility provider will install all the new incoming supplies to the proposed development, with work carried out in accordance with standards and minimisation of any disruption to services. During the operational phase, surface water run-off will be managed in accordance with the Greater Dublin Strategic Drainage Study, with a SuDS approach adopting green roofs, bio-retention areas, pervious paving, attenuation storage and flow control, maintenance of drainage systems will also be carried out. ESB power supply, wastewater foul drainage and water supply will be in accordance with ESB Network and Irish Water's standards and will include maintenance. All telecommunication cabling will be underground or internal within buildings.

9.72. With mitigation in place, the residual impact of the proposed development upon utilities during construction is predicted to be negative, not significant and temporary

for surface water, foul drainage and electricity; negative, slight and temporary for gas supply and telecommunications; and negative, moderate and temporary for water supply. During operation, predicted residual impact is neutral in relation to gas; negative, not significant and permanent upon surface water and foul drainage; negative, slight and permanent upon electricity and telecommunications; and positive, moderate and permanent upon water supply.

9.73. I concur with the conclusions of the EIAR in relation to predicted impact arising from the proposed development during both construction and operational phases upon waste and utilities. No significant permanent impact will arise with respect to waste, gas and water. While slight permanent impact is anticipated with respect to electricity and telecommunications, this is as a result of increased demand, which would result from any development of this site zoned for residential, and which was previously occupied by residential uses. Temporary suspensions of service is an inevitable consequence of utility upgrade and connections and will be managed to minimise disruption. The suppliers of this infrastructure will provide infrastructure to meet the demands of the development and I am satisfied that no long term significant adverse impact will result with mitigation in place.

9.74. Landscape and visual

9.75. A landscape and visual impact assessment is described in Chapter 9 of the EIAR. This describes the existing baseline condition of the site and surrounds. Surrounding sensitive receptors are identified and an analysis of potential impacts is undertaken with reference to verified views, as presented in the verified view document for the application. I have already described an assessment of visual impact with reference to the proposed design as well as heritage considerations, in section 8.4 and 8.5 above, and those sections of my report should be read alongside this section of my EIA.

9.76. The EIAR describes potential impacts of the proposed development. During construction moderate significant and negative impact is predicted in the immediate environs, reducing in significance with distance from the site. This will be as a result of construction activities that are inherently unsightly. These impacts would be temporary to short-term and are not unusual in an urban area. During operation, townscape change of a high magnitude is identified, and the EIAR concludes that as

a result of the design quality and form of the proposed development, this would be significantly positive for the immediate environs and wider Inchicore area. In relation to visual effects, 29 no. representative viewpoints were selected for detailed assessment by verified photomontages ('verified views' or 'viewpoints'). There are no negative impacts identified in any of the viewpoints discussed, with effects ranging from no effect to significantly positive. Potential cumulative impacts are also outlined with respect to nearby planning permissions, with no potential for negative cumulative townscape and visual effects in combination with the proposed development.

- 9.77. Mitigation is described in section 9.6 of the EIAR. During construction, the implementation of best practice construction site management will control impact, with no specific measures outlined to mitigate effect. During operation, no mitigation measures are identified, with no negative effects identified. As such, residual impact remains unchanged from potential impacts described above.
- 9.78. I concur with the conclusions of the EIAR in relation to predicted effects arising from the proposed development in relation to landscape and visual assessment. No significant negative permanent impact is identified, with short-term temporary negative impact predicted during the construction phase only, which is consistent with the impact resulting from any development site in an urban area. I agree with the EIAR that the proposed development will in result in neutral or positive impact upon the visual and landscape character of the area, and I am satisfied that the design appropriately responds to surrounding sensitive receptors.
- 9.79. The interaction between the above factors
- 9.80. A specific section on interactions between the topic areas under the EIAR is included within each individual topic chapter. Chapter 16 of the submitted EIAR is entitled 'Interactions' and highlights interactions which are considered to potentially be of a significant nature. The EIAR has considered these interactions and inter-relationships throughout the appraisal, firstly through the design and layout of the proposed developments, to avoid impacts where possible, and also in the definition of suitable mitigation measures to minimise the impacts.
- 9.81. 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. Having considered the mitigation measures contained in the EIAR, and the additional mitigation I suggest in my recommendation, I am satisfied that residual impact resulting from interaction between all factors is minimised.

9.82. Cumulative impacts

9.83. The proposed development would occur in tandem with the development of other sites that are zoned in the area. Such development would reflect land uses envisaged under the city development plan which has been subject to Strategic Environment Assessment. A number of developments in the surrounding area have been specifically identified as being considered in Chapter 1 of the submitted EIAR, including the Bus Connects, Emmet Manor, Circle Voluntary Housing Associated Site 1b St. Michael's Estate (52 apartments for older persons housing), site to rear of 205A Emmet Road (4 storey apartment block), and permitted SHD application at Former Dulux Factory Site (265 BTR units).

9.84. Each topic chapter in the submitted EIAR has considered cumulative impacts and I have highlighted these where most relevant to my assessment. The potential cumulative impacts primarily relate to traffic, dust, noise and other nuisances from the construction of the development, with other planned or existing projects, and each of the EIAR chapters has regard to these in the assessment and mitigation measures proposed. The proposed land use of the development is in keeping with the zoning of the site, and the proposed development is within the provisions of the relevant plans. It is therefore concluded that the culmination of effects from the planned and permitted development and that currently proposed would not be likely to give rise to significant effects on the environment, other than those that have been described in the EIAR and considered in this EIA.

9.85. Reasoned Conclusion on the Significant Effects

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

9.87. **Population and human health** - during the construction phase, minor temporary residual impacts on population and human health will likely result with respect to

nuisance caused by construction activities. Mitigation relates to a range of construction related remedial and mitigation measures. Positive impacts will result during operation in relation to the provision of new homes in close proximity to public transport, increased economic activity (both during construction and operation) and with the provision of new public spaces and community uses.

- 9.88. **Biodiversity** – with the application of mitigation described in the EIAR, no significant negative residual impact upon local ecology or designated conservation sites are anticipated to result from the proposed development. Measures include protection of surface waters; controlled removal of invasive plant species; lighting will meet the most recent Bat Conservation Trust Lighting Guidelines; limitation of noise disturbance and dust; clearance of vegetation out of main bird breeding season; pre-demolition bat survey; measures for enhancing bat roosting opportunities in the development.
- 9.89. **Land, soils, geology, water, air quality or climate** - with the implementation of mitigation through management measures in the Construction and Environmental Management Plan, as well as surface water management, attenuation and drainage of foul waters, there is no risk of significant negative impacts. While construction works invariably lead to some disturbance, this is demonstrated to range from an imperceptible to slight level of effect with mitigation in place and reflective of impact that would generally be experienced across brownfield development sites in the city.
- 9.90. **Noise and vibration** – during the construction phase, impact from construction related activities and plant is anticipated. These impacts will be on a short-term, temporary basis and will be mitigated through measures in the Construction and Environmental Management Plan. During the operational phase, no negative impacts are identified. After implementation of mitigation measures, there are no significant negative residual effects.
- 9.91. **Transportation** – mitigation measures described in the Construction and Environmental Management Plan will limit negative residual impact during construction to not significant, local, likely and short-term. During the operational phase, impact arising from traffic growth will be not significant, neutral, local and long-term.

- 9.92. **Material Assets - Archaeology and cultural heritage** – no risk of significant permanent adverse impacts upon archaeological cultural heritage, with the application of mitigation measures. With reference to architectural cultural heritage, permanent residual impact will result from alteration to the protected wall (RPS no.8705) and closing off of views southwards towards the Goldenbridge Cemetery, however this is balanced against the fact that the proposed development will bring the site back into use, with the incorporation of remaining sections of the wall (including repair and retention into the future), and contributing positively visually and socially to the amenity of the area, ensuring that impact will not be significant.
- 9.93. **Material Assets – Utilities and waste** - no significant effects are anticipated. During construction phase, new connections may be required which could cause disruption to service, and this impact would be controlled and temporary in duration. Mitigation is formed of adherence to relevant codes of practice, design guidance and consultation with local and statutory authorities. An Operational Waste Management Plan will mitigate impacts in terms of waste. With mitigation in place, no significant residual impacts will result.
- 9.94. **Landscape and visual impacts** – no significant negative permanent impact, with short-term temporary negative impact predicted during the construction which is consistent with the impact resulting from any development site in an urban area. During operation, neutral or positive impact will result from the proposed development upon the visual and landscape character of the area.
- 9.95. Having regard to the above, the likely significant environmental effects arising as a consequence of the proposed development have been satisfactorily identified, described and assessed in this EIA. I also consider that the EIAR is compliant with Article 94 of the Planning and Development Regulations, 2001, as amended.

## 10.0 **Appropriate Assessment (AA) Screening**

- 10.1. This section of the report considers the likely significant effects of the proposal on Natura 2000 European sites with each of the potential significant effects assessed in respect of each of the European sites considered to be at risk and the significance of same. The assessment is based on the submitted Appropriate Assessment Screening submitted with the application.



- 10.2. I have had regard to the submissions of third parties, prescribed bodies and the Planning Authority in relation to the potential impacts on European sites, as part of the Natura 2000 Network of sites.
- 10.3. The Project and Its Characteristics
- 10.4. See the detailed description of the proposed development in section 3.0 above.
- 10.5. The European Sites Likely to be Affected (Stage I Screening)
- 10.6. The subject site is situated in Dublin City and urban in character, bound by Emmet Road to the north, Goldenbridge Cemetery to the south, Richmond Barracks, Bulfin Estate and residential apartments to the east, as well as residential apartments and houses to the west. The site is c.4.68ha and is currently largely formed of undeveloped green area, previously occupied by flatted social housing blocks. A group of vacant buildings are situated to the north of the site, as well as an old playing court. A Hydrological Risk Assessment Report is also submitted and informs the Appropriate Assessment Screening Report. The subject site is within the Liffey and Dublin Bay catchments and the closest surface water body is the River Carmac flowing in a north-easterly direction c.80 north of the site. The River Carmac is assigned a Poor water quality status. It discharges into the Liffey which is classified as Good. The subject site is also situated on the Dublin groundwater body.
- 10.7. The site is not located within or adjacent to any European site.
- 10.8. I have had regard to the submitted Appropriate Assessment Screening Report, which identifies that while the site is not located directly within any European site, there are a number of European sites sufficiently proximate or linked to the site to require consideration of potential effects. These are listed below with approximate distance to the application site indicated:
- South Dublin Bay SAC (6.8km);
  - North Dublin Bay SAC (9.3km);
  - Glenasmole Valley SAC (9.3km);
  - Wicklow Mountains SAC (11km);
  - Rye Water Valley / Carton SAC (11.7km);
  - Baldoyle Bay SAC (13.8km);

- Rockabill to Dalkey SAC (15.1km);
- South Dublin Bay and River Tolka Estuary SPA (6.2km);
- North Bull Island SPA (9.3km);
- Wicklow Mountains SPA (11km) and
- Baldoyle Bay SPA (14.2km).

10.9. The specific qualifying interests and conservation objectives of the above sites are described below. In carrying out my assessment I have had regard to the nature and scale of the project, the distance from the site to European sites, and any potential pathways which may exist from the development site to a European site, as well as the information on file, including observations on the application made by prescribed bodies and Third Parties, and I have also visited the site.

10.10. The qualifying interests of all European sites considered are listed below:

Table 10.1: European Sites/Location and Qualifying Interests

| Site (site code) and Conservation Objectives   | Qualifying Interests/Species of Conservation Interest (Source: EPA / NPWS)  |
|--|---|
| South Dublin Bay SAC 0210 (6.8km)<br><br>To maintain the favourable conservation condition of qualifying interests/species of conservation interest for which the SAC has been selected. | Mudflats and sandflats not covered by seawater at low tide [1140]<br><br>Annual vegetation of drift lines [1210]<br><br>Salicornia and other annuals colonising mud and sand [1310]<br><br>Embryonic shifting dunes [2110]  |
| North Dublin Bay SAC 0206 (9.3km) To maintain and restore the favourable conservation condition of qualifying interests/species of conservation interest for                             | Mudflats and sandflats not covered by seawater at low tide [1140]<br><br>Annual vegetation of drift lines [1210]<br><br>Salicornia and other annuals colonising mud and sand [1310]<br><br>Atlantic salt meadows ( <i>Glauco-Puccinellietalia maritima</i> ) [1330] |

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| <p>which the SAC has been selected.</p>   | <p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p> <p>Embryonic shifting dunes [2110]</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>Humid dune slacks [2190]</p> <p><i>Petalophyllum ralfsii</i> (Petalwort) [1395]</p>  |
| <p>Glenasmole Valley SAC<br/>1209 (9.3km)</p> <p>To restore the favourable conservation condition of qualifying interests/species of conservation interest for which the SAC has been selected.</p>             | <p>Semi-natural dry grasslands and scrubland facies on calcareous substrates (<i>Festuco-Brometalia</i>) (* important orchid sites) [6210]</p> <p><i>Molinia</i> meadows on calcareous, peaty or clayey-silt-laden soils (<i>Molinion caeruleae</i>) [6410]</p> <p>Petrifying springs with tufa formation (<i>Cratoneurion</i>) [7220]</p>   |
| <p>Wicklow Mountains SAC<br/>2122 (11km)</p> <p>To maintain and restore the favourable conservation condition of qualifying interests/species of conservation interest for which the SAC has been selected.</p> | <p>Oligotrophic waters containing very few minerals of sandy plains (<i>Littorelletalia uniflorae</i>) [3110]</p> <p>Natural dystrophic lakes and ponds [3160]</p> <p>Northern Atlantic wet heaths with <i>Erica tetralix</i> [4010]</p> <p>European dry heaths [4030]</p> <p>Alpine and Boreal heaths [4060]</p> <p>Calaminarian grasslands of the <i>Violetalia calaminariae</i> [6130]</p> <p>Species-rich <i>Nardus</i> grasslands, on siliceous substrates in mountain areas (and submountain areas, in Continental Europe) [6230]</p> <p>Blanket bogs (* if active bog) [7130]</p> <p>Siliceous scree of the montane to snow levels (<i>Androsacetalia alpinae</i> and <i>Galeopsietalia ladani</i>) [8110]</p> <p>Calcareous rocky slopes with chasmophytic vegetation [8210]</p> |

|   |   |
|---|---|
|   | <p>Siliceous rocky slopes with chasmophytic vegetation [8220]</p> <p>Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]</p> <p>Lutra lutra (Otter) [1355]</p>   |
| <p>Rye Water Valley / Carton SAC 1398 (11.7km)</p> <p>To maintain and restore the favourable conservation condition of qualifying interests/species of conservation interest for which the SAC has been selected.</p> | <p>Petrifying springs with tufa formation (Cratoneurion) [7220]</p> <p>Vertigo angustior (Narrow-mouthed Whorl Snail) [1014]</p> <p>Vertigo moulinsiana (Desmoulin's Whorl Snail) [1016]</p>  |
| <p>Baldoyle Bay SAC 0199 (13.8km)</p> <p>To maintain the favourable conservation condition of qualifying interests/species of conservation interest for which the SAC has been selected.</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 (Glauco-Puccinellietalia maritima) [1330]</p> <p>Mediterranean salt meadows (Juncetalia maritimi) [1410]</p> |
| <p>Rockabill to Dalkey Island SAC 3000 (15.1km)</p> <p>To maintain the favourable conservation condition of qualifying interests/species of conservation interest for which the SAC has been selected.</p>            | <p>Reefs [1170]</p> <p>Phocoena phocoena (Harbour Porpoise) [1351]</p>  |

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| <p>South Dublin Bay and River Tolka SPA 4024 (6.2km)</p> <p>To maintain the favourable conservation condition of qualifying interests/species of conservation interest for which the SPA has been selected.</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> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Roseate Tern (<i>Sterna dougallii</i>) [A192]</p> <p>Common Tern (<i>Sterna hirundo</i>) [A193]</p> <p>Arctic Tern (<i>Sterna paradisaea</i>) [A194]</p> <p>Wetland and Waterbirds [A999]</p>   |
| <p>North Bull Island SPA 4006 (9.3km)</p> <p>To maintain the favourable conservation condition of qualifying interests/species of conservation interest for which the SPA has been selected.</p>                | <p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Shelduck (<i>Tadorna tadorna</i>) [A048]</p> <p>Teal (<i>Anas crecca</i>) [A052]</p> <p>Pintail (<i>Anas acuta</i>) [A054]</p> <p>Shoveler (<i>Anas clypeata</i>) [A056]</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>Sanderling (<i>Calidris alba</i>) [A144]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Black-tailed Godwit (<i>Limosa limosa</i>) [A156]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Curlew (<i>Numenius arquata</i>) [A160]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Turnstone (<i>Arenaria interpres</i>) [A169]</p> |

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|   | Black-headed Gull ( <i>Chroicocephalus ridibundus</i> ) [A179]<br>Wetland and Waterbirds [A999]   |
| Wicklow Mountains SPA<br>4040 (11km)<br><br>To maintain and restore the favourable conservation condition of qualifying interests/species of conservation interest for which the SPA has been selected. | Merlin ( <i>Falco columbarius</i> ) [A098]<br>Peregrine ( <i>Falco peregrinus</i> ) [A103]  |
| Baldoyle Bay SPA 4016<br>(14.2km)<br><br>To maintain the favourable conservation condition of qualifying interests/species of conservation interest for which the SPA has been selected.                | Light-bellied Brent Goose ( <i>Branta bernicla hrota</i> ) [A046]<br>Shelduck ( <i>Tadorna tadorna</i> ) [A048]<br>Ringed Plover ( <i>Charadrius hiaticula</i> ) [A137]<br>Golden Plover ( <i>Pluvialis apricaria</i> ) [A140]<br>Grey Plover ( <i>Pluvialis squatarola</i> ) [A141]<br>Bar-tailed Godwit ( <i>Limosa lapponica</i> ) [A157]<br>Wetland and Waterbirds [A999] |

10.11. The above Table 10.1 reflects the EPA and National Parks and Wildlife Service (NPWS) list of qualifying interests for the SAC/SPA areas requiring consideration.

10.12. Potential Effects on Designated Sites

10.13. The submitted report identifies any pathways or links from the subject site to European Sites considered in this screening assessment, and I summarise this below.

10.14. The subject site does not overlap directly with any European site and therefore there is no risk of direct habitat loss or fragmentation to occur as a result of the development. The subject site does not support populations of any fauna species linked to the qualifying interest (QI) populations of European sites and this is supported by site surveys summarised in the submitted screening report. There is a

weak hydrological pathway via groundwater flows from the subject site and via potential surface water discharge to the River Camac during construction and operational phases and discharges from Ringsend Wastewater Treatment Plant (WwTP) into Dublin Bay during the operational phase, to South Dublin Bay SAC, North Dublin Bay SAC, Rockabill to Dalkey Island SAC, and South Dublin Bay and River Tolka Estuary SPA. In terms of ex-situ foraging/roosting habitat, winter bird surveys were carried out. Light bellied geese were recorded feeding on the site on one occasion (peak count 14), as well as Gulls. As such little usage was recorded and given the distance between the site and the coast, the submitted report concludes that the site is not regularly used, if at all, by SCI species, other than Gull. I concur with this conclusion and am satisfied that the site is not an important feeding site.

10.15. During both the construction and operational phase, the implementation of best practice measures will prevent harmful discharges into the hydrological network. These measures are not designed or intended specifically to mitigate any putative potential effect on European sites. They constitute the standard approach for construction works in an urban area and are incorporated into development design as part of necessary surface water management systems through SUDs. Their implementation would be necessary for a housing development on any site in order to protect the surrounding environs regardless of proximity or connections to any European site or any intention to protect a European site. It would be expected that any competent developer would deploy them for works on a site whether or not they were explicitly required by the terms or conditions of a planning permission. There is also a significant distance to the European sites, over which any discharges would be diluted and dispersed to imperceptible levels.

10.16. The subject site will also be connected to existing sewer and wastewater infrastructure, with foul water directed to Ringsend Wastewater Treatment Plant (WwTP). Emissions from the plant have been recorded as not being in compliance with the Urban Wastewater Treatment Directive. However, the increase in loading to the WwTP as a result of the proposed development would be insignificant in terms of the overall scale of the WwTP. Such an increase would also not have the capacity to alter the effluent released for the WwTP to such an extent as to result in likely significant effects on the European sites connected hydrologically with the WwTP. In

addition, upgrade works are currently on-going at Ringsend WwTP. The Ringsend WwTP has been granted permission under section 37G of the Planning and Development Act 2000 (Board Order ABP-301798-18), 10-year permission for development comprising revisions and alterations to the existing and permitted development at the Ringsend Wastewater Treatment Plant and for a new Regional Biosolids Storage Facility, being two components of an integrated wastewater treatment facility. These works will bring the capacity of the Wastewater Treatment Plant from its current 1.9 million PE to 2.4 million PE. It should also be noted that regardless of the completion of these works, the proposed development is not anticipated to have significant impact on European sites. Overall, no negative impacts to European sites can arise from additional loading on the Ringsend WwTP as a result of the proposed development, as there is no evidence that negative effects are occurring to European sites from water quality and the overall increase in loading would be insignificant as a result of the proposed development.

10.17. In combination / cumulative effects

10.18. The submitted report identifies the potential for in-combination effects from page 26 of the submitted report. This identifies a number of planning permissions in the area surrounding the subject site. I have also had regard to surrounding planning activity as described in section 4 of this report above. These developments would be required to comply with policy objectives in the Development Plan relating to the protection of European sites and water quality. There are no projects or plans identified that in-combination with the proposed development, could cause any likely significant effects on European sites.

10.19. 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 any European Sites.

10.20. AA Screening Conclusion

10.21. In conclusion, having regard to the nature and scale of the proposed development on serviced lands (via feasible network upgrades), the nature of the receiving environment, the distances to the nearest European sites, the lack of hydrological or any other pathway and/or the dilution effect that would occur to any discharges from the site, it is reasonable to conclude that the proposed development, individually or in combination with other plans or projects would not be likely to have effects on any



European sites, in view of the sites' Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

**10.22.** In reaching this conclusion I took no account of mitigation measures intended to avoid or reduce the potentially harmful effects of the project on any European Sites.

## **11.0 Conclusion**

11.1. The subject site is zoned Z14 'Strategic Development and Regeneration Areas (SDRAs)', where residential is a permitted in principle use. The proposed community and commercial uses are also acceptable under the zoning and in accordance with land uses identified for SDRA 9 of which the site forms apart. The proposed development is also formed of social and cost rental housing which will positively contribute to the provision of affordable housing in the area.

11.2. The density of the proposed development is also appropriate, in light of the location of the site adjacent to Inchicore village, situated on a Quality Bus Corridor and walking distance to Red Luas Line stops, giving access to high frequency, high capacity public transport. This is supported by the 'Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities' (2020) and the 'Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities' (2009) which support higher density development at appropriate locations, as well as the local planning policy density guidelines identified for SDRA under the Development Plan. The proposed development has been designed in recognition of the historical significance of the site and surroundings. Exceptional circumstances have been demonstrated in relation to the partial demolition of the former Richmond Barracks stone wall protected structure. The height of the proposed development at maximum 7 storeys is also appropriate, incorporating the criteria set out in the 'Urban Development and Building Height, Guidelines for Planning Authorities' (2018) and within the guiding height range for SDRA 9 set out in the Development.

11.3. A detailed assessment of amenity impacts has been carried out, and this has determined that no significant adverse impact would result from the proposed development upon surrounding residents' amenity. The future occupiers of the scheme will also benefit from an acceptable standard of internal amenity. The overall

provision of car parking and cycle parking is considered acceptable. I am satisfied the future occupiers of the scheme will not be at an unacceptable risk from flooding, and the proposal will not increase the risk of flooding elsewhere.

- 11.4. Screening for Appropriate Assessment has been carried out and determined that the proposed development will not have an effect on European sites.
- 11.5. Environmental Impact Assessment has been carried out and has confirmed that with the incorporation of mitigation, no significant negative residual impacts would result from the proposed development.

## **12.0 Recommendation**

- 12.1. I recommend that permission is granted for the proposed development subject to conditions.

## **13.0 Reasons and Considerations**

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

(a) the location of the site in the established urban area of Dublin City in an area zoned for mixed use/predominately residential (Z14 'Strategic Development and Regeneration Areas (SDRAs)' where the proposed uses are permitted in principle use;

(b) the policies and objectives of the Dublin City Development Plan 2022-2028;

(c) The Rebuilding Ireland Action Plan for Housing and Homelessness 2016 and Housing for All: A new Housing Plan for Ireland 2021;

(d) The Guidelines for Sustainable Residential Developments 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;

(e) Urban Development and Building Heights Guidelines for Planning Authorities, prepared by the Department of Housing, Planning and Local Government in December 2018;

(f) The Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of the Environment, Community and Local Government 2022;

- (g) Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2013;
- (h) Architectural Heritage Protection- Guidelines for Planning Authorities 2011;
- (i) The nature, scale and design of the proposed development and the availability in the area of public transport, water services and social/community infrastructure;
- (j) The pattern of existing and permitted development in the area;
- (k) The planning history of the area, and consideration of Protected Structures in, and proximate to, the site (particularly the former Richmond Barracks);
- (l) The submissions and observations received;
- (m) The report of the inspector.

The Board 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 appropriate to the historic sensitivity of the site and would otherwise be acceptable in terms of pedestrian and traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

### **Appropriate Assessment Screening**

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on European sites, taking into account the nature and scale of the proposed development on serviced lands, the nature of the receiving environment, the distances to the nearest European sites and the hydrological pathway considerations, submissions on file, the information submitted as part of the applicant's Appropriate Assessment Screening documentation and the Inspector's report. In completing the screening exercise, the Board agreed with and adopted the report of the Inspector and that, by itself or in combination with other development, plans and projects in the vicinity, the proposed development would not be likely to have an effect on any European site in view of the conservation objectives of such sites, and that a Stage 2 Appropriate Assessment is not, therefore, required.

## **Environmental Impact Assessment**

The Board completed an environmental impact assessment of the proposed development, taking into account:

- (a) the nature, scale and extent of the proposed development,
- (b) the Environmental Impact Assessment Report and associated documentation submitted in support of the application,
- (c) the submissions from the Planning Authority, the observers and prescribed bodies in the course of the application,
- (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 is satisfied that the information contained in the Environmental Impact Assessment Report complies with the provisions of EU Directive 2014/52/EU amending Directive 2011/92/EU.

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 and submissions made in the course of the application. The Board is satisfied that the Inspector's report sets out how these were addressed in the assessment and recommendation (including environmental conditions) and are incorporated into the Board's decision.

### **Reasoned Conclusion on the Significant Effects**

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

**Population and human health** - during the construction phase, minor temporary residual impacts on population and human health will likely result with respect to nuisance caused by construction activities. Mitigation relates to a range of construction related remedial and mitigation measures. Positive impacts will result

during operation in relation to the provision of new homes in close proximity to public transport, increased economic activity (both during construction and operation) and with the provision of new public spaces and community uses.

**Biodiversity** – with the application of mitigation described in the EIAR, no significant negative residual impact upon local ecology or designated conservation sites are anticipated to result from the proposed development. Measures include protection of surface waters; controlled removal of invasive plant species; lighting will meet the most recent Bat Conservation Trust Lighting Guidelines; limitation of noise disturbance and dust; clearance of vegetation out of main bird breeding season; pre-demolition bat survey; measures for enhancing bat roosting opportunities in the development.

**Land, soils, geology, water, air quality or climate** - with the implementation of mitigation through management measures in the Construction and Environmental Management Plan, as well as surface water management, attenuation and drainage of foul waters, there is no risk of significant negative impacts. While construction works invariably lead to some disturbance, this is demonstrated to range from an imperceptible to slight level of effect with mitigation in place and reflective of impact that would generally be experienced across brownfield development sites in the city.

**Noise and vibration** – during the construction phase, impact from construction related activities and plant is anticipated. These impacts will be on a short-term, temporary basis and will be mitigated through measures in the Construction and Environmental Management Plan. During the operational phase, no negative impacts are identified. After implementation of mitigation measures, there are no significant negative residual effects.

**Transportation** – mitigation measures described in the Construction and Environmental Management Plan will limit negative residual impact during construction to not significant, local, likely and short-term. During the operational phase, impact arising from traffic growth will be not significant, neutral, local and long-term.

**Material Assets - Archaeology and cultural heritage** – no risk of significant permanent adverse impacts upon archaeological cultural heritage, with the application of mitigation measures. With reference to architectural cultural heritage, permanent residual impact will result from alteration to the protected wall (RPS

no.8705) and closing off of views southwards towards the Goldenbridge Cemetery, however this is balanced against the fact that the proposed development will bring the site back into use, with the incorporation of remaining sections of the wall (including repair and retention into the future), and contributing positively visually and socially to the amenity of the area, ensuring that impact will not be significant.

**Material Assets – Utilities and waste** - no significant effects are anticipated.

During construction phase, new connections may be required which could cause disruption to service, and this impact would be controlled and temporary in duration. Mitigation is formed of adherence to relevant codes of practice, design guidance and consultation with local and statutory authorities. An Operational Waste Management Plan will mitigate impacts in terms of waste. With mitigation in place, no significant residual impacts will result.

**Landscape and visual impacts** – no significant negative permanent impact, with short-term temporary negative impact predicted during the construction which is consistent with the impact resulting from any development site in an urban area. During operation, neutral or positive impact will result from the proposed development upon the visual and landscape character of the area.

## 14.0 Conditions

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| 1. | <p>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 any mitigation measures set out in the Environmental Impact Assessment Report or any conditions of this Approval require further details to be prepared by or on behalf of the Local Authority, these details shall be placed on the file and retained as part of the public record.</p> <p><b>Reason:</b> In the interest of clarity.</p> |
| 2. | <p>Mitigation and monitoring measures outlined in the plans and particulars, including the Environmental Impact Assessment Report submitted with this application as set out in Chapter 17 of the EIAR ‘Summary of EIA Mitigation</p>   |

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|    | <p>and Monitoring Measures', shall be carried out in full, except where otherwise required by conditions attached to this permission.</p> <p><b>Reason:</b> In the interest of protecting the environment and in the interest of public health.</p>   |
| 3. | <p>Prior to the commencement of development, the developer or any agent acting on its behalf shall prepare a Construction and Environmental Management Plan (CEMP) including demonstration of proposals to adhere to best practice and protocols. The CEMP shall include specific proposals as to how the CEMP will be measured and monitored for effectiveness.</p> <p><b>Reason:</b> In the interest of protecting the environment and public health.</p>   |
| 4. | <p>The developer shall facilitate the preservation, recording and protection of archaeological materials or features which exist within the site and these details shall be placed on the file and retained as part of the public record. The developer shall also comply with the following requirements:-</p> <p>(a) satisfactory arrangements shall be put in place for the execution (or supervision) by a suitably qualified archaeologist of all archaeological excavations, investigations and site development works.</p> <p>(b) This archaeologist shall advise on such measures as may be necessary to ensure that any damage to the remaining archaeological material is avoided or minimised. In this regard, the proposed locations of piled foundations, etc. shall be the subject of continuing review and full details of any revisions to the proposed location or levels of pipe caps, ground beams, service trenches or other subsurface works shall be placed on the file and retained as part of the public record.</p> <p>(c) satisfactory arrangements for post-excavation research and the recording, removal and storage, of any archaeological remains which may be considered appropriate to remove, shall be placed on the file and retained as part of the public record. In this regard, a comprehensive report on the completed archaeological excavation shall be prepared within a period of six months or within such extended period as may be agreed with the planning authority.</p> |

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|    | <p><b>Reason:</b> In order to conserve the archaeological heritage of the site, it is considered reasonable that the developer should facilitate the preservation by record of any archaeological features or materials which may exist within it. In this regard, it is considered reasonable that the developer should be responsible for carrying out properly supervised archaeological excavations in circumstances where the permitted development works would be likely to result in the unavoidable disturbance or destruction of such features or materials.</p>   |
| 5. | <p>The developer shall comply with the following requirements in relation to the proposed modification and restoration of the protected structure, which shall be carried out in accordance with the document: “Architectural Heritage Protection – Guidelines for Planning Authorities” (Department of Arts, Heritage and the Gaeltacht, 2011):</p> <p>The replacement of any brick/stonework or any works of re-pointing shall be undertaken so that it matches the original existing wall finish and shall be in accordance with current Conservation Guidelines issued by the Department of Arts, Heritage and the Gaeltacht.</p> <p><b>Reason:</b> In order to ensure an appropriate standard of restoration works for this protected structure.</p> |
| 6. | <p>Prior to commencement of the development, the developer or any agent acting on its behalf shall enter into water and waste water connection agreements with Irish Water.</p> <p><b>Reason:</b> In the interest of public health.</p>   |
| 7. | <p>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.</p> <p><b>Reason:</b> In the interests of visual and residential amenity.</p>   |
| 8. | <p>A plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation and collection of waste and, in particular, recyclable materials shall be placed on file and retained as part of the public record prior to</p>  |



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|     | <p>commencement of development. Thereafter, the waste shall be managed in accordance with the plan.</p> <p><b>Reason:</b> To provide for the appropriate management of waste, and in particular recyclable materials, in the interest of protecting the environment.</p>   |
| 9.  | <p>The developer or any agent acting on its behalf, shall retain the professional services of a qualified Landscape Architect as Landscape Consultant throughout the life of the site development works. The Landscape Consultant shall be engaged to procure, oversee and supervise the landscape contract for the implementation of the permitted landscape proposals. When all landscape works are inspected and completed to the satisfaction of the Landscape Consultant, he/she shall submit a Practical Completion Certificate (PCC) to the planning authority to be placed on the public file, as verification that the approved landscape plan and specification have been fully implemented.</p> <p><b>Reason:</b> To ensure full and verifiable implementation of the approved landscape design proposals for the permitted development, to the approved standards and specification.</p> |
| 10. | <p>A minimum of 50% of all car parking spaces should be provided with EV charging stations/points, and ducting shall be provided for all remaining car parking spaces facilitating the installation of EV charging points/stations at a later date.</p> <p><b>Reason:</b> To provide for and/or future proof the development such as would facilitate the use of Electric Vehicles</p>   |

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Rachel Gleave O'Connor  
Senior Planning Inspector

9<sup>th</sup> March 2023