



An
Bord
Pleanála

Inspector's Report ABP-315033-22

Development

The demolition of an existing 4 storey stairwell to the rear of an existing accommodation residence and the construction of a part 3, part 4 storey extension providing for an additional 26 no. student accommodation studio units. Also, reconfiguration of existing structures and also all associated site works. The application is accompanied with a Natura Impact Statement (NIS).

Location

Aparto, Montrose Student Accommodation, Stillorgan Road, Dublin 4.

Planning Authority

Dun Laoghaire-Rathdown County Council.

Planning Authority Reg. Ref.

D22A/0614

Applicant(s)

HGREIT II Montrose LLC

Type of Application

Permission

Planning Authority Decision

Grant Permission

Type of Appeal

Third Party

Appellants

Jason & Sarah Byers and Others
Micheál Collins & Victoria Eherer-
Collins

Date of Site Inspection

13th February 2024

Inspector

Paul O'Brien

1.0 Site Location and Description

- 1.1. The subject site contains a student accommodation complex located to the north east of the N11/ Belfield flyover junction and which contains the former Montrose Hotel. The former hotel building is a part four and part five storey building with retail/ commercial units on the ground floor and student accommodation on the upper floors. This building is in a reverse 'L' shape with the long section facing onto the N11 and the projecting section to the south on a south west to north east axis.
- 1.2. Surface car parking is provided to the front of the building and is also available to the south eastern side. Other areas to the rear are in use for ancillary yard areas and access.
- 1.3. To the north of the subject site is a detached block of four to five storeys and beyond that is a separate terraced block of two-storeys. Two-storey semi-detached houses are located to the south east within Ashfield Park. The houses that adjoin the subject site have rear gardens of approximately 15 m depth. To the north east is Glenomena Park which is a residential development of mostly two-storey semi-detached houses. The houses here have very long rear gardens, generally in excess of 35 m.
- 1.4. The Stillorgan Road/ N11 is served by a number of bus routes providing for high capacity/ frequency services to and from the city centre and the greater south Dublin/ north east Wicklow area. University College Dublin, Belfield campus is located to the west of the site on the opposite side of the N11.

2.0 Proposed Development

- 2.1. The proposed development consists of the following:
 - The demolition of an existing four storey stairwell to the rear of the existing student accommodation residence. Stated area of 68 sq m.
 - The construction of a part three/ to part four storey extension providing for an additional 734 sq m gross floor area/ for 26 no. student accommodation studio units.

- The development to also provide for the reconfiguration and relocation of bin stores, car parking, cycle parking and vehicular circulation, the provision of green roofs and rooftop solar panels.
- All associated site works on a stated site area of 0.161 hectares. The overall site including the existing student residences is much larger.

A Natura Impact statement has been prepared in respect of the proposed development.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to grant permission subject to conditions, which are generally standard. The following are noted in summary:

Condition no. 3: Omit the use of aluminium cladding and use render to match the existing adjoining treatment.

Condition no. 4: Revised drainage/ hardstanding details.

Condition no. 6: Provision of a cycle audit for the proposed development.

3.2. Planning Authority Reports

3.2.1. Planning Report

The Planning Authority Case Officer's report reflects the decision to grant permission for the development. The existing uses on site and the information submitted in support of the application demonstrate that the proposed development is suitable in this location.

3.2.2. Other Technical Reports

Municipal Services Department – Drainage Planning: Further information requested in relation to details of the green roof and if the hardstanding areas are to provide for permeable surfaces.

Transportation Planning Section: The proposed development would have no impact on traffic in the area and there are no significant changes to the access arrangements.

Further information requested in relation to a number of items, summarised as follows:

- To demonstrate that the revised car parking arrangements provide for electric vehicle charging.
- Provide a Cycle Audit for the development and demonstrate that cycle parking be comprehensive for the entire site/ for all residents.
- Provide for a Construction Environmental Management Plan (CEMP).

Recommended conditions are provided in the event that permission is to be granted for this development.

Environment Section: No objection subject to recommended conditions.

3.2.3. Prescribed Bodies

Irish Water: No report received.

Environmental Health Officer: No report received.

3.2.4. Objections/ Observations

Twenty submissions were received opposing the development, including from Councillor M Baker, with the rest from individual members of the public.

Issues raised, in summary, include:

- The design of the development is out of character with the residential nature of the area.
- The scale, height, mass, and density are out of character with the existing houses in the area.
- The proposed development is higher than the existing building on site, which is already of a significant height.
- The height of the development will impact on privacy and also on the receipt of daylight/ sunlight.
- The use of opaque glazing does not protect existing residential amenity.
- Concern about a door to the rear of the site and the potential for nuisance through its opening and closing.

- It should not be possible to open these opaque fitted windows.
- Landscaping proposed for the original development was not provided and no landscaping is proposed for the current scheme.
- The proximity of refuse bins/ storage to existing residential units is a matter of concern.
- Concern about blockages in the foul drainage system. There is a long history of problems with the foul drainage system back to the opening of the hotel on this site.
- Insufficient access for vehicles such as fire engines/ refuse trucks to the rear of the proposed development.
- The development should be reduced in scale/ set back in order to protect residential amenity and enable the provision of an appropriate landscaping plan for the site.
- The external cladding for the extension is different to that of the existing building and would have a negative impact on visual amenity.
- Need for conditions to ensure the appropriate management of ancillary areas around the existing and proposed buildings.
- There is a need for a proper waste management system to be put in place.
- No details are provided on the existing and the proposed lighting of this site.
- There should be no access to the roof area for residents of this development.
- Concern about nuisance associated with this development – noise and increased litter were identified as issues of concern.
- Concern about the non-provision of any additional car parking spaces, this will result in on-street parking in the adjoining area.
- Procedural issues including incorrect measurements are provided in the submitted documentation.

Photographs were submitted in support of the objections.

4.0 Planning History

There is a long history associated with this site and which is detailed in the Planning Authority Planner's report. I have summarised the more recent/ relevant applications here:

PA Ref. D20A/0185/ ABP ref. PL06D.307659 refers to an October 2020 decision to grant permission for a new newspaper box, New fascia signage and alterations to facade to match existing signage.

PA Ref. D17A/0564 refers to a September 2017 decision to grant permission for 3 external signs.

PA Ref. D14A/0552 refers to a May 2015 decision to grant permission for development at part of the ground floor and to the front car park area of the former Montrose Hotel to provide for the following: (i) Retention permission for demolition of single storey service areas to the rear (north) of the ground floor of the former hotel and (ii) Planning permission for: (a) Improvements to the front car park area, including hard and soft landscaping, reconfiguration of car parking layout and all associated and ancillary works. The proposed development will provide a total of 46 no. car parking spaces and 62 no. bicycle parking spaces; (b) Change of Use of part of the previous bar/restaurant area to provide a coffee shop/restaurant of 151 sqm gross; a retail unit of 121 sqm gross (maximum of 100 sqm net); storage and ancillary space of 85 sq m gross for the student accommodation and an extension to the existing bank (259 sq m) of 255 sqm gross; (c) Change of Use of part (216 sq m) of the previous bar/restaurant/function room area and extension (184 sq m) to the rear (north) to provide student accommodation comprising 13 no. units arranged in 2 no. clusters to include shared living, kitchen and dining area. 12 no. bicycle spaces will be allocated to these additional rooms. 4 no. car parking spaces in the front car park will be allocated to the student accommodation use; (d) Amendments to the front elevation, including provision of new shop fronts and illuminated signage at proposed units B, C and D and (e) All associated and ancillary works, including amendments to the external refuse enclosure to the rear (north) permitted under Reg. Ref. D12A/0483. The total gross floor area of the proposed development is 1,091 sq m, including associated internal walls and partitions.

PA Ref. D12A/0483/ ABP Ref. PL06D.241957 refers to a September 2013 decision to grant permission for the change of use of part of hotel to student accommodation, addition of 1 no. part set back storey, including the demolition of structures at rear and at roof level.

5.0 Policy and Context

5.1. Development Plan

5.1.1. Under the Dun Laoghaire-Rathdown County Development Plan 2022 – 2028, the subject site is zoned A, 'To provide residential development and improve residential amenity while protecting the existing residential amenities.' Student Accommodation is listed within the 'Open for Consideration' category.

5.1.2. Chapter 4 – 'Neighbourhood – People, Homes and Place' under 4.3.2.5 includes Policy Objective PHP29: Provision of Student Accommodation and which states: 'It is a Policy Objective to facilitate increased provision of high-quality, purpose built and professionally managed student accommodation in line with the provisions of the National Student Accommodation Strategy (2017). Purpose built student accommodation should be provided on campus or in suitable locations which have convenient access to Third Level colleges (particularly by foot, bicycle and high quality and convenient public transport) in a manner compatible with surrounding residential amenities avoiding overprovision of student accommodation in any one area.'

The following text is included in the development plan:

'In considering planning applications for student accommodation the Council will have regard to:

- The 'Guidelines on Residential Developments for Third Level Students' (2005), and any amendment thereof.
- The provisions of The National Student Accommodation Strategy (2017).
- Circular PL 8/2016 APH2/2016.
- Circular NRUP/05/2021.

No social/affordable housing will be required with regard to a bona fide purpose built and professional managed student accommodation (refer also to Section 12.3.7.11).'

Chapter 12 – ‘Development Management’ includes section 12.3.7.11 – ‘Student Accommodation’. This sets out criteria to be taken into account when planning applications are assessed and includes considerations of location, protection of existing residential amenity, on-site services/ facilities, architectural design of the development, and control on the number of student accommodation facilities in an area.

5.1.3. **Section 28 Ministerial Guidelines**

- Sustainable Residential Development and Compact Settlements – Guidelines for Planning Authorities (DHLGH, 2024).

5.2. **EIA Screening**

Having regard to the nature of the proposed development comprising the development of 26 no student accommodation apartments and all associated services on a stated site area of 0.161 hectares, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

5.3. **Natural Heritage Designations**

Boosterstown March pNHA (Site Code: 001205) is located approximately 1 km to the east of the subject site.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

Two separate appeals have been lodged against the decision of Dun Laoghaire-Rathdown County Council to grant permission for this development.

Jason & Sarah Byers, John & Louise Dunne, Paul & Marie Beggan, Dan Brennan, have raised the following issues, in summary:

- Consider that the Planning Authority did not address their original issues of concern in relation to this development. Original issues included scale of development, overbearing nature of the development, in sufficient separation distances to existing houses, lack of landscaping plans, loss of sunlight/ daylight, issues over foul drainage and lack of site lighting plans. These issues remain a concern.
- Note the lack of reports from Uisce Éireann, the Parks Department and the Biodiversity Officer.
- Supporting documentation is provided including a submission prepared by Brock McClure – Planning & Development Consultants to the Planning Authority opposing the development. This includes photographs and plans in support of the objection.

Micheál Collins & Viktoria Eherer-Collins have raised the following issues, in summary:

- Concern about the proximity of the development to their property.
- The reduction in separation between the proposed building and the boundary wall will restrict access for vehicles in this area.
- Overlooking from the extension leading to a loss of privacy.
- Lack of landscaping and note that although the original scheme included landscaping, this was not undertaken by the applicant. Request that the development be revised to enable the planting of mature trees on the Montrose side of the boundary wall.
- Consider that the Planning Authority did not adequately address the raised concerns.

6.2. Applicant's Response

6.2.1. The applicants have engaged the services of Thornton O'Connor Town Planning to prepare a response to the third-party appeals. The following points are made:

- The background to the development and site layout is provided in detail.
- The main issues raised in the appeals are identified and summarised.

- Section 2.0 provides a justification on the merits of the proposed development. Also considers the report of the Planning Authority and consideration of residential amenity and design issues.
- Section 3.0 considers the issues raised in the appeal.
 - The proposed height and scale are considered to be acceptable.
 - Differences in height are due to a decrease in the ground level which falls towards the north east/ rear of the site.
 - Separation distances of at least 40 m are proposed, which are well in excess of the required 22 m. Table 3.1 provides details of the separation distances between the proposed development and existing houses in Glenomena Park.
 - Justification for the location of the development on site is on the basis of development within an established urban area and efficient use of land.
 - There is an existing stairwell, which is to be demolished, and which is taller than the proposed development/ extension.
 - Overlooking is addressed through the use of opaque windows, and the separation distances between the development and existing properties.
 - Existing mature trees along the boundary provide for screening.
 - The windows are required to provide for natural lighting to the internal corridors but also are a design feature as the elevation wall would otherwise be blank.
 - The design of the windows will ensure that noise is reduced, and it is also reported that this facility is a managed student accommodation development.
 - The external treatment was revised by condition no.3 as issued by the Planning Authority and the applicant has no objection to the inclusion of a similar condition if permission is to be granted.
 - No landscaping plan was proposed for this development, however the are willing to provide for such a plan in the event that permission is granted.
 - An updated Sunlight and Daylight Analysis is provided and includes a shadow assessment. Any increase in shadowing will be minor. All units

assessed demonstrate compliance with Vertical Sky Component (VSC) and Annual Probable Sunlight Hours (APSH) assessments.

- Full details are provided in relation to foul drainage. The loading on the public system has been reduced through the change in use from hotel to student accommodation use. The discharge has reduced from 89,500 litres per day to 36,900 litres per day. The proposal will increase the discharge to 41,580 litres per day which is significantly below the demand on the system when this building was in use as a hotel. The foul drainage line was previously in use as a combined foul and surface water drainage system. Surface water drainage is discharged now through a separate system. Works have been undertaken on the foul drainage system and it is considered that there is adequate capacity in the system for this development.
- There was no requirement to prepare a lighting plan due to the location and nature of the proposed development, though one could be prepared if required by way of condition.
- Additional plans and details are provided in support of the applicant's response to the appeals.
- Requests that permission be granted for the proposed development.

6.3. Appellants Response to the Applicants Response

The opportunity was afforded to the appellants to respond to the first party comments and Jason & Byers and others made the following comments:

- The proposed building is stepping up, even allowing for the fact that the site falls towards the boundary with the houses in Glenomena Park.
- The three-storey element includes a green roof.
- The stairwell is lower than the existing main building as demonstrated by a submitted photograph. In any case, the stairwell does not extend the full width of the building.
- No landscaping plan is proposed.
- Disagree that the impact on sunlight would be minor. Evening sunlight would be impacted by this development. The difference in ground levels impacts on sunlight receipt by the properties to the north east in Glenomena Park.

- The lack of a lighting plan gives rise to confusion over the retention of existing lights.
- Concern remains about the impact of the development on foul drainage.

Requests that permission be refused for this development.

6.4. Planning Authority Response

6.4.1. The grounds of appeal do not raise any new matters, so no additional comment is made by the Planning Authority.

7.0 Assessment

7.1. The main issues that arise for consideration in relation to this appeal can be addressed under the following headings:

- Nature of Development
- Impact on Residential Amenity
- Impact on the Visual Amenity of the Area
- Drainage/ Water Supply
- Other Issues
- Appropriate Assessment Screening

7.2. Nature of Development

7.2.1. The proposed development provides for the demolition of an existing stairwell attached to the north eastern side of an existing student accommodation building and the provision of a part three/ part four storey extension that incorporates an additional 26 student units and all associated ancillary services and site works. The existing building provides for 205 bedrooms, reception lounge, study rooms, laundry, and cycle storage.

7.2.2. The site is zoned for residential development and the proposed development is therefore acceptable in principle in accordance with the zoning objective. I am also satisfied that the development is acceptable in terms of the Policy Objectives of the Dun Laoghaire-Rathdown Development Plan 2022 – 2028.

7.2.3. The site is within walking distance of UCD and the N11 – Stillorgan Road Corridor has a very high capacity/ frequency bus service which allows for easy access to the city centre as well as Dun Laoghaire, Bray, Stillorgan and Cherrywood. Off-road cycle tracks are provided along the N11 corridor. Access is therefore very good for residents of the existing and proposed development, and the site is on the edge of the largest university campus in the state.

7.3. Impact on Residential Amenity

7.3.1. The appellants, who all live to the north east of the site in Glenomena Park, have raised a number of concerns in relation to the impact of this development on their residential amenity. I have considered these issues under the following headings:

7.3.2. Insufficient separation distances: The appellants consider that the separation distance between the proposed development and the existing houses is inadequate, giving rise to overlooking leading to a loss of privacy, overshadowing, loss of sunlight and overbearing on their properties. The separation distance between the rear of the existing student accommodation and the rear boundary will reduce from approximately 16 m to 3.5 m. This in turn will reduce the separation to the rear of the houses on Glenomena Park, but it will continue to be in excess of 35 m.

7.3.3. I note that the Sustainable Residential Development and Compact Settlements guidelines under SPPR 1 a separation distance of at least 16 m between opposing windows on upper floor levels is specified. The separation is clearly in excess of the 16 m specified and greater than the 22 m for residential developments in the Dun Laoghaire-Rathdown area as per Section 12.3.5.2. In addition, the applicant has explained that the end windows in the north east elevation are to be fitted with opaque glazing and therefore overlooking of the adjoining properties will not be possible. The side elevations do not give rise to overlooking of the properties to the north east and I am satisfied that overlooking leading to a loss of privacy will not occur. The side elevations are an adequate distance from the boundary that they face and again, they do not give rise to any additional overlooking with separation distances of at least 12 m between the new section and the boundary they face.

7.3.4. Overbearing was also raised as an issue in the appeals. Clearly the new block will be closer to the existing houses/ their rear boundaries, however the depth of the garden and the long-established presence of the hotel will not give rise to concern.

Any increase in height is marginal and the new section will extend but not beyond the width of the existing block. The stepping of the rear section from four to three storeys indicates that the applicant has considered this issue and provided this design to address any such concerns of overbearing. If a full four storey block was proposed for the entire development, I would be satisfied that it would not give rise to overbearing and the proposed three storey section further reinforces this view.

7.3.5. Overshadowing, Daylight and Sunlight: The applicant's response to the appeals includes a revised Daylight and Sunlight Analysis prepared by IN2; this was revised to include a greater assessment of the impact of the development on adjoining properties. The assessment has been undertaken in accordance with BRE Site Layout Planning for Daylight and Sunlight: A guide to good practice (BR 209, 2022 edition) and British Standard Daylight in Buildings, BS EN 17037.

7.3.6. The Vertical Sky Component (VSC) measures the impact of a new development at the centre of an existing main window and such windows with a VSC over 27% are considered to receive good daylight availability. In terms of sunlight, there is an adverse impact if the received sunlight falls below 25% of the annual probable sunlight hours and less than 0.8 times its former annual value or less than 5% of the annual probable sunlight hours between the 21st September and the 21st of March and less than 0.8% its former annual value during that period. Also, there is an adverse impact if the reduction in sunlight over the whole year is greater than 4% of the annual probable sunlight hours (APSH). The Methodology of the submitted assessment is provided in Section 4.2 of the submitted report.

7.3.7. In summary the submitted assessment found that all tested windows were VSC compliant as detailed in the table within Section 4.3. From the submitted details, very little impact is expected to these tested areas. The same is true for APSH with all tested areas demonstrating compliance with recommended standards. Sunlight availability to amenity spaces is assessed in Section 5.0 with the lowest result being 96% of the current value but the majority of the tested spaces retaining their current value.

7.3.8. A shadow analysis was undertaken in Section 6.0 of the submitted report. The difference between the existing and proposed situations is minor and the overall residential amenity will not be adversely impacted. There is an increase in

shadowing in the evening for the March assessment, but this is only a minor increase in shadowing over the current situation and does not give rise to any concern.

7.3.9. The submitted report also assesses the availability of daylight to the proposed apartments and all units demonstrate compliance with the recommendations. This has no impact on the appellants, but I am noting it here for completeness in relation to the submitted report.

7.3.10. I am satisfied that the proposed development is acceptable in terms of potential impact on existing properties. I do not foresee any significant loss of privacy through overshadowing as the development has been designed to address such issues. Loss of daylight/ sunlight and increased shadowing are not issues of concern, with the proposed development only having very minor impacts on the adjoining gardens of the houses in Glenomena Park.

7.4. Impact on the Visual Amenity of the Area

7.4.1. Concern was expressed that the visual impact of the development on the character of the area. I have already considered the issue of overbearing and I am satisfied that the development will not have an adverse impact on the adjoining properties. The development on site has been place for a significant period of time and the additional extension is achieved in the form of a part three and part four storey block attached to the existing student accommodation building. The additional 734 sq m over four floors and providing for 26 single student rooms is not a significant addition to a building that contains over 200 of these units.

7.4.2. The proposed height is considered to be acceptable. From the site visit it was evident that the block to be demolished is lower than the building it is attached to, however the difference in height is marginal and similarly the difference in height between the existing and proposed building is not great. The submitted elevations indicate that the new section will project above the existing building by 650 mm. This is not significant.

7.4.3. Reference was made to the external treatment of this new block and the Planning Authority included condition no.3 that required the provision of a render finish rather than the aluminium cladding and the applicant in response to the appeal reported no

objection to this. I consider this to be appropriate and I have no objection to the inclusion of a similar condition.

7.4.4. The lack of a landscaping plan was raised in the appeal and again the applicant has reported that they would have no objection to the inclusion of a condition that would require the provision of same. From the site visit it was evident that the adjoining lands to the proposed building are in use for bicycle parking and also for storage. Part of the site is paved but appears to provide an amenity function as there is a basketball hoop to the rear of the building to be demolished. I am not sure if the appellants are aware of what is in place on site, and I would be concerned that they may be over calculating the available space for landscaping.

7.4.5. There are a number of trees planted to the rear of this area, but these are immature trees and will take some years to grow to the extent that they will provide a screening function. Other than screening, I am unsure as to why the appellants are looking for landscaping here. I note that Condition 4(b) requests that hardstanding areas be designed to Dun Laoghaire-Rathdown standards. It may be possible to provide for increased landscaping along the rear of the site to include trees and which would incorporate SUDs. This would be of benefit in terms of drainage and overall biodiversity, and it would be worthwhile to include a suitable condition. I also consider that such a landscaping proposal would not be of any great benefit to the adjoining properties in the short to medium term.

7.4.6. Concern was expressed by the appellants about the provision of green roofs on the new extension. It is not proposed that these areas would be accessible and would not be intended to be used by students for amenity purposes. I would agree with this and no access to this space should be provided other than for maintenance purposes. The provision of green roofs is appropriate in terms of providing for a SUDs function in this location.

7.5. **Drainage/ Water Supply**

7.5.1. The appellants have raised a concern about the impact of the development on the existing foul water drainage system in the area. Details have been provided of blockages in the system, though submitted Newspaper cuttings are from July 1980. The applicant has reported that demand on the network has declined with the change in use from hotel to student accommodation and also that upgrade works

have been undertaken to the existing six-inch pipes in the area. I note that there was no report from Uisce Éireann in relation to this development, however the Planning Authority and Drainage Department did not raise any issues of concern in relation to foul drainage.

7.5.2. I am satisfied that the proposed development will not have a negative impact on the foul drainage network in the area. The provision of 26 additional student rooms would be similar to five x 3-bedroom houses each with a PE of 5. No issues in relation to water supply were identified by the Planning Authority or by the appellants. I have referred to the need for hardstanding areas to demonstrate compliance with local policy, however no issues of concern in relation to surface water drainage were raised.

7.6. Other Issues

7.6.1. Concern was expressed about the ability of vehicles to be able to access the rear of the site in the rear of the proposed extension. This is a matter for the management of the site and does not impact on adjoining residential properties. The onus is on the developer to comply with fire regulations and refuse collection can be suitably provided for. The existing refuse storage area is very neat and tidy and from the unannounced site visit it was evident that the site was very well maintained.

7.6.2. A lighting plan was requested in the appeals. I fail to see a need for a lighting plan. The extension will reduce the amount of unbuilt lands and any lighting will only be required to allow access around the rear of the site. There are no roads proposed here and low level, low lux lighting would be more than adequate to serve this area. Lighting details can be agreed with the Planning Authority.

8.0 Appropriate Assessment (AA)

Stage 1 – Appropriate Assessment Screening

8.1. The applicant has engaged the services of Altamar Marine & Environmental Consultancy to prepare an Appropriate Assessment Screening, this is dated 19th of August 2022. I have had regard to the contents of same.

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

8.3. The areas addressed are as follows:

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

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

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

8.4.2. The subject site is located to the rear of the former Montrose Hotel to the north east of the N11/ Stillorgan Road, Dublin 4 and consists of a 4-storey stairwell and car parking/ yard space. The hotel is now in use for student accommodation on the upper floors and commercial uses on the ground floor. The proposed development will provide for a part three/ part four extension of 734 sq m and which will accommodate 26 additional student studios. The development will also allow for the reconfiguration of the bin stores, parking/ circulation space and provide for green roofs and solar panels, as well as all associated site works.

8.4.3. The subject site is not directly connected with, or necessary to the management of a Natura 2000 sites. A total of 18 European Sites have been identified as located within the potential zone of influence and these are as follows:

Name	Site Code	Approximate Distance from Site
<p>South Dublin Bay SAC</p> <p>Conservation Objectives:</p> <p>To maintain the favourable conservation condition of Mudflats and sandflats not covered by seawater at low tide in South Dublin Bay SAC, which is defined by the following list of targets:</p> <ul style="list-style-type: none"> • The permanent habitat area is stable or increasing, subject to natural processes. • Maintain the extent of the Zostera –dominated community, subject to natural processes. • Conserve the high quality of the Zostera – dominated community, subject to natural processes • Conserve the following community type in a natural condition: Fine sands with Angulus tenuis community complex. <p>Qualifying Interests</p> <p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Annual vegetation of drift lines [1210] Salicornia and other annuals colonising mud and sand [1310]</p> <p>Embryonic shifting dunes [2110]</p>	(000210)	1 km to the east
<p>North Dublin Bay SAC</p> <p>Conservation Objectives:</p> <p>To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.</p> <p>Qualifying Interests</p>	(000206)	5.8 km to the north

<p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Annual vegetation of drift lines [1210]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>) [1330]</p> <p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p> <p>Embryonic shifting dunes [2110]</p> <p>Shifting dunes along the shoreline with white dunes (<i>Ammophila arenaria</i>) [2120]</p> <p>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p> <p>Humid dune slacks [2190]</p> <p>Petalwort (<i>Petalophyllum ralfsii</i>) [1395]</p>		
<p>Rockabill to Dalkey SAC</p> <p>Conservation Objectives:</p> <p>To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.</p> <p>Qualifying Interests</p> <p>1170 Reefs</p> <p>1351 Harbour porpoise (<i>Phocoena phocoena</i>)</p>	(003000)	8.2 km to the east
<p>Wicklow Mountains SAC</p> <p>Conservation Objectives:</p> <p>To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected. The favourable conservation status of a species is achieved when:</p>	(002122)	9.1 km to the south/ south west

- population dynamics data on the species concerned indicate that it is maintaining itself on a long-term basis as a viable component of its natural habitats, and
- the natural range of the species is neither being reduced nor is likely to be reduced for the foreseeable future, and
- there is, and will probably continue to be, a sufficiently large habitat to maintain its populations on a long-term basis.

Qualifying Interests

Oligotrophic waters containing very few minerals of sandy plains (*Littorelletalia uniflorae*) [3110]

Natural dystrophic lakes and ponds [3160]

Northern Atlantic wet heaths with *Erica tetralix* [4010]

European dry heaths [4030]

Alpine and Boreal heaths [4060]

Calaminarian grasslands of the *Violetalia calaminariae* [6130]

Species-rich *Nardus* grasslands, on siliceous substrates in mountain areas (and submountain areas, in Continental Europe) [6230]

Blanket bogs (* if active bog) [7130]

Siliceous scree of the montane to snow levels (*Androsacetalia alpinae* and *Galeopsietalia ladani*) [8110]

Calcareous rocky slopes with chasmophytic vegetation [8210]

Siliceous rocky slopes with chasmophytic vegetation [8220]

Old sessile oak woods with *Ilex* and *Blechnum* in the British Isles [91A0]

Otter (*Lutra lutra*) [1355]

<p>Howth Head SAC</p> <p>Conservation Objectives</p> <p>To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.</p> <p>Qualifying Interests</p> <p>(1230) Vegetated sea cliffs of the Atlantic and Baltic coasts</p> <p>(4030) European dry heaths</p>	<p>(000202)</p>	<p>10.2 km to the north east</p>
<p>Knocksink Wood SAC</p> <p>Conservation Objectives:</p> <p>To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.</p> <p>Qualifying Interests</p> <p>Petrifying springs with tufa formation (Cratoneurion) [7220]</p> <p>Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]</p> <p>Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0]</p>	<p>(000725)</p>	<p>10.7 km to the south</p>
<p>Baldoyle Bay SAC</p> <p>Conservation Objectives</p> <p>To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.</p> <p>Qualifying Interests</p> <p>Mudflats and sandflats not covered by seawater at low tide [1140]</p>	<p>(000199)</p>	<p>11.3 km to the north</p>

<p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>) [1330]</p> <p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p> <p>The following habitats were recorded during the Coastal Monitoring Project (Ryle et al., 2009) but they are not listed in the qualifying interests for the site:</p> <p>Annual vegetation of drift lines (1210)</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>Glenasmole Valley SAC</p> <p>Conservation Objectives:</p> <p>To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected. The favourable conservation status of a species is achieved when:</p> <ul style="list-style-type: none"> • population dynamics data on the species concerned indicate that it is maintaining itself on a long-term basis as a viable component of its natural habitats, and • the natural range of the species is neither being reduced nor is likely to be reduced for the foreseeable future, and • there is, and will probably continue to be, a sufficiently large habitat to maintain its populations on a long-term basis. 	(001209)	11.6 km to the south west

<p>Qualifying Interests</p> <p>Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) [6210]</p> <p>Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) [6410]</p> <p>Petrifying springs with tufa formation (Cratoneurion) [7220]</p>		
<p>Ballyman Glen SAC</p> <p>Conservation Objectives</p> <p>To maintain or restore the favourable conservation condition of Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.</p> <p>Qualifying Interests</p> <p>Petrifying springs with tufa formation (Cratoneurion) [7220]</p> <p>Alkaline fens [7230]</p>	(000713)	11.6 km to the south
<p>Irelands Eye SAC</p> <p>Conservation Objectives:</p> <p>To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.</p> <p>Qualifying Interests</p> <p>1220 Perennial vegetation of stony banks</p> <p>1230 Vegetated sea cliffs of the Atlantic and Baltic coasts</p>	(002193)	14.3 km to the north east
<p>South Dublin Bay and River Tolka Estuary SPA</p> <p>Conservation Objectives:</p> <p>The maintenance of habitats and species within Natura 2000 sites at favourable conservation condition will contribute to the overall maintenance</p>	(004024)	0.9 km to the east

<p>of favourable conservation status of those habitats and species at a national level.</p> <p>Qualifying Interests</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</p> <p>Conservation Objective:</p> <p>The maintenance of habitats and species within Natura 2000 sites at favourable conservation condition will contribute to the overall maintenance of favourable conservation status of those habitats and species at a national level.</p> <p>Qualifying Interests</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>	(004006)	5.8 km to the north east

<p>Pintail (<i>Anas acuta</i>) [A054]</p> <p>Shoveler (<i>Anas clypeata</i>) [A056] 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> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Wetland and Waterbirds [A999]</p>		
<p>Dalkey Islands SPA</p> <p>Conservation Objectives:</p> <p>To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA:</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] The favourable conservation status of a species is achieved when:</p> <ul style="list-style-type: none"> • population dynamics data on the species concerned indicate that it is maintaining itself on a long - term basis as a viable component of its natural habitats, and 	(004172)	8.5 km to the south east

<ul style="list-style-type: none"> • the natural range of the species is neither being reduced nor is likely to be reduced for the foreseeable future, and • there is, and will probably continue to be, a sufficiently large habitat to maintain its populations on a long - term basis. <p>Qualifying Interests</p> <p>Roseate Tern (<i>Sterna dougallii</i>) [A192] Common Tern (<i>Sterna hirundo</i>) [A193] Arctic Tern (<i>Sterna paradisaea</i>) [A194]</p>		
<p>Wicklow Mountains SPA</p> <p>Conservation Objectives</p> <p>To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA.</p> <p>Qualifying Interests</p> <p>Falco colombarius (Merlin) [A098]</p> <p>Falco peregrinus (Peregrine) [A103]</p>	(004040)	9.3 km to the south/ south west
<p>Baldoyle Bay SPA</p> <p>Conservation Objectives</p> <p>To maintain or restore the favourable conservation condition of the qualifying interests within the Baldoyle Bay SPA.</p> <p>Qualifying Interests</p> <p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Shelduck (<i>Tadorna tadorna</i>) [A048]</p> <p>Ringed Plover (<i>Charadrius hiaticula</i>) [A137]</p> <p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Wetland and Waterbirds [A999]</p>	(004016)	11.2 km to the north

<p>Howth Head Coast SPA</p> <p>Conservation Objective:</p> <p>To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA.</p> <p>Qualifying Interests</p> <p>A188 Kittiwake (<i>Rissa tridactyla</i>)</p>	(004113)	12.2 km to the north east
<p>Irelands Eye SPA</p> <p>Conservation Objective:</p> <p>To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA:</p> <p>Qualifying Interests</p> <p>Cormorant (<i>Phalacrocorax carbo</i>) [A017] Herring Gull (<i>Larus argentatus</i>) [A184] Kittiwake (<i>Rissa tridactyla</i>) [A188] Guillemot (<i>Uria aalge</i>) [A199] Razorbill (<i>Alca torda</i>) [A200]</p>	(004117)	14.1 km to the north east.
<p>North-West Irish Sea SPA</p> <p>Conservation Objective:</p> <p>To maintain or restore the favourable conservation condition of the qualifying interests within this SPA.</p> <p>Qualifying Interests</p> <p>Red-throated Diver (<i>Gavia stellata</i>) [A001] Great Northern Diver (<i>Gavia immer</i>) [A003] Fulmar (<i>Fulmarus glacialis</i>) [A009] Manx Shearwater (<i>Puffinus puffinus</i>) [A013] Cormorant (<i>Phalacrocorax carbo</i>) [A017] Shag (<i>Phalacrocorax aristotelis</i>) [A018] Common Scoter (<i>Melanitta nigra</i>) [A065]</p>	(004236)	6.7 km to the north east

Little Gull (<i>Larus minutus</i>) [A177]		
Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]		
Common Gull (<i>Larus canus</i>) [A182]		
Lesser Black-backed Gull (<i>Larus fuscus</i>) [A183]		
Herring Gull (<i>Larus argentatus</i>) [A184]		
Great Black-backed Gull (<i>Larus marinus</i>) [A187]		
Kittiwake (<i>Rissa tridactyla</i>) [A188]		
Roseate Tern (<i>Sterna dougallii</i>) [A192]		
Common Tern (<i>Sterna hirundo</i>) [A193]		
Arctic Tern (<i>Sterna paradisaea</i>) [A194]		
Little Tern (<i>Sterna albifrons</i>) [A195]		
Guillemot (<i>Uria aalge</i>) [A199]		
Razorbill (<i>Alca torda</i>) [A200]		
Puffin (<i>Fratercula arctica</i>) [A204]		

8.4.4. Figures 10 - 14 indicate the location of the designated sites and waterbodies within 5 and 15 km of the development site.

8.5. **Assessment of Likely Significant Effects:**

8.5.1. The South Dublin Bay SAC, North Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA and the North Bull Island SPA were screened in as significant effects were likely in the absence of specific measures that would prevent silt, hazardous chemicals and petrochemicals entering the marine environment at designated site. During the construction and operational phases of this development, contaminated water may enter the existing surface water drainage system which discharges to the Elm Park Stream and in turn into Dublin Bay.

8.5.2. In combination effects are considered and outlined in Table 3 of the AA Screening Report. It is reported that no in combination effects are foreseen.

8.6. **AA Screening Conclusion:**

In the absence of control or mitigation measures in relation to pollution during the construction and operational phases of this development, the plan may have a significant effect on identified designated European sites including:

- South Dublin Bay SAC
- South Dublin Bay and River Tolka SPA
- North Dublin Bay SAC
- North Bull Island SPA

The applicant considers it necessary to proceed to Stage 2 of the Appropriate Assessment Process and a Natura Impact Statement (NIS) has been prepared.

8.7. Screening Assessment

8.7.1. In determining the Natura 2000 sites to be considered, I have had regard to the nature and scale of the development, the distance from the site to the designated Natura 2000 sites, and any potential pathways which may exist from the development site to a Natura 2000 site. The site is not directly connected with, or necessary to the management of a Natura 2000 sites. The impact area of the construction phase would be limited to the outline of the site. In terms of the zone of influence, I would note that the site is not within or immediately adjacent to a European site and therefore there will be no loss or alteration of habitat, or habitat/species fragmentation as a direct result of the proposed development.

8.7.2. The AA Screening does identify potential likely significant effects through pollution associated with contaminated water entering the existing surface water drainage system which discharges to the Elm Park Stream and in turn into Dublin Bay. Mitigation measures will be required to be put in place and therefore it is considered that a Stage 2 Appropriate Assessment is required. The applicant has provided a Natura Impact Statement in accordance with the requirements of the Stage 2 Appropriate Assessment process.

8.8. Stage 2 – Appropriate Assessment

8.8.1. I am satisfied that the submitted NIS is in accordance with current guidance/ legislation/ best practice and the information included within the report in relation to baseline conditions and potential impacts are clearly set out and supported with sound scientific information and knowledge. The NIS examines and assesses the potential adverse effects of the proposed development on the following designated sites where it has been established that a Source-Pathway-Receptor link exists.:

- South Dublin Bay SAC
- South Dublin Bay and River Tolka SPA
- North Dublin Bay SAC
- North Bull Island SPA

As reported in the AA Screening, all other European designated sites can be excluded from the need for further assessment.

8.8.2. The NIS identifies and assesses possible adverse effects of the proposed development on specific Qualifying Interests and Conservation Objectives of these designated sites. A summary description of the European sites is provided in the NIS with locational details provided in Figures 1, 2 and Map nos. 3 – 6, Map 3. Table 5 provides the 'Site specific conservation objectives for Natura 2000 sites' and Table 6 provides 'Potential for adverse effects on the qualifying interests and conservation objectives of Natura 2000 sites'. This provides details on the potential impacts to the qualifying interests of the SACs and SPAs. Dust, water pollution and silt are listed as potential contaminants.

8.8.3. Proposed mitigation measures are provided in Table 7 of the NIS. Most of these are standard measures that would be employed on any such construction site. Included are more specific measures such as the employment of a project ecologist from prior to commencement of development up to the completion stage. Local silt traps will be employed on site and a log will be taken of air quality during the construction phase of the development. Enclosure of sections of the site will be undertaken where there is a high potential for the generation of dust on site. These measures are adequate to ensure that the Brewery/ Elm Park Stream is protected during the demolition/ construction phase of this development. As already reported, there is a long list of proposed mitigation measures, and which are considered to be standard practice for a development of this nature/ in such a location.

8.8.4. In conclusion, the NIS reports 'No significant effects are likely on Natura 2000 sites, their features of interest or conservation objectives. The proposed project will not adversely affect the integrity of European sites.'

8.9. NIS Assessment:

8.9.1. I have relied on the following guidance: Appropriate Assessment of Plans and Projects in Ireland: Guidance for Planning Authorities, DoEHLG (2009); Assessment of plans and projects significantly affecting Natura 2000 sites. Methodological

guidance on the provisions of Article 6(3) and 6(4) of the Habitats Directive 92/43/EC, EC (2002); Managing Natura 2000 sites, The provisions of Article 6 of the Habitats Directive 92/43/EEC, EC (2018).

8.9.2. The South Dublin Bay SAC, South Dublin Bay and River Tolka SPA, North Dublin Bay SAC and the North Bull Island SPA are subject to appropriate assessment. A description of the sites and their Conservation Objectives and Qualifying Interests are set out in the submitted NIS and have already been outlined in this report as part of my assessment. I have also examined the Natura 2000 data forms as relevant and the Conservation Objectives supporting documents for these sites available through the NPWS website.

8.9.3. Aspects of the Development that could adversely affect the designated site: The main aspect of the development that could impact the conservation objectives of the European sites are through deterioration of water quality during the construction and operational phases of the development, with potential negative impacts from dust during the demolition phase.

8.9.4. Mitigation: A range of mitigation measures are provided in the NIS, and these are noted. These primarily refer to the construction phase of development but also refer to the operational phase is provided in the applicant's report. These are outlined in Table 7 of the NIS, but the main points that are specific to this project are summarised here:

- The employment of a project ecologist from prior to commencement of development up to the completion stage.
- Local silt traps will be employed on site during the construction phase.
- A log will be taken of air quality during the construction phase of the development.
- Enclosure of sections of the site will be undertaken where there is a high potential for the generation of dust on site. With particular reference to the demolition of the stairwell and to ensure that dust does not enter any watercourses in the area.
- The list of mitigation measures in Table 7 is long and comprehensive. I consider that the remaining measures would be employed during any similar development without any specific reference to designated European sites.

8.9.5. Overall, I consider that the proposed mitigation measures are clearly described, and precise, and definitive conclusions can be reached in terms of avoidance of adverse effects on the integrity of designated European sites based on the outlined mitigation measures. I consider that the mitigation measures are necessary having regard to the proximity of the site to the Brewery/ Elm Park Stream and in turn its hydrological connection to the listed SPAs and SACs. Overall, the measures proposed are effective, reflecting current best practice, and can be secured over the short and medium term and the method of implementation will be through a detailed management plan.

8.9.6. In Combination Effects: No issues of concern are raised subject to the full implementation of mitigation measures outlined in the NIS.

8.10. **Appropriate Assessment Conclusion:**

8.10.1. The proposed residential development at Montrose, Stillorgan Road, Dublin 4, Co. Dublin has been considered in light of the assessment requirements of Sections 177U and 177V of the Planning and Development Act 2000 as amended.

8.10.2. Having carried out screening for Appropriate Assessment of the project, it was concluded that it may have a significant effect on South Dublin Bay SAC (site code 000210), South Dublin Bay and River Tolka SPA (site code 004024), North Dublin Bay SAC (site code 000206) and the North Bull Island SPA (site code 004006). Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying features of the site in light of its conservation objectives.

8.10.3. Following an Appropriate Assessment, it has been ascertained that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of South Dublin Bay SAC (site code 000210), South Dublin Bay and River Tolka SPA (site code 004024), North Dublin Bay SAC (site code 000206) and the North Bull Island SPA (site code 004006).

8.10.4. This conclusion is based on:

- A full and detailed assessment of all aspects of the proposed project including proposed mitigation measures and monitoring in relation to the Conservation Objectives of the South Dublin Bay SAC (site code 000210), South Dublin Bay and River Tolka SPA (site code 004024), North Dublin Bay SAC (site code 000206) and the North Bull Island SPA (site code 004006).

- Detailed assessment of in combination effects with other plans and projects including historical projects, plans and current proposals.
- No reasonable scientific doubt as to the absence of adverse effects on the integrity of South Dublin Bay SAC (site code 000210), South Dublin Bay and River Tolka SPA (site code 004024), North Dublin Bay SAC (site code 000206) and the North Bull Island SPA (site code 004006).

8.10.5. I have had full consideration of the information, assessment and conclusions contained within the NIS. I have also had full regard to National Guidance and the information available on the National Parks and Wildlife Service (NPWS) website in relation to the identified designated Natura 2000 sites. I consider it reasonable to conclude that on the basis of the information submitted in the NIS report, including the recommended mitigation measures, and submitted in support of this application, that the proposed development, individually or in combination with other plans or projects would not be likely to adversely affect the integrity of the South Dublin Bay SAC (site code 000210), South Dublin Bay and River Tolka SPA (site code 004024), North Dublin Bay SAC (site code 000206) and the North Bull Island SPA (site code 004006).

9.0 Recommendation

9.1. I recommend that permission be granted subject to the following conditions and reasons.

10.0 Reasons and Considerations

10.1. Having regard to the provisions of the Dun Laoghaire-Rathdown County Development Plan 2022 – 2028 and the zoning of the site for residential purposes which allows for student accommodation, to the location of the site in an established, serviced, urban area within walking distance of public transport and to the nature, form, scale, density and design of the proposed development which is an extension to an existing student accommodation facility within walking distance of the University College Dublin (UCD) campus, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area.

The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 19th of August 2022, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the Planning Authority, the developer shall agree such details in writing with the Planning Authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The proposed development shall be used for:</p> <p>a. student accommodation or accommodation related to a Higher Education Institute only, during the academic year; or</p> <p>b. student accommodation or accommodation related to a Higher Education Institute or tourist/ visitor accommodation only, during academic holiday periods. The development shall not be used for the purposes of permanent residential accommodation, as a hotel, hostel, apart-hotel or similar use without a prior grant of permission.</p> <p>Reason: In the interests of the proper planning and sustainable development of the area</p>
3.	<p>The proposed development shall be implemented as follows:</p> <p>a. The student accommodation and complex shall be operated and managed in accordance with a Student Accommodation Management Plan which is to be agreed in writing with the Planning Authority prior to the occupation of these units,</p> <p>b. Student units / apartments shall not be amalgamated or combined.</p>

	<p>Reason: In the interests of the amenities of occupiers of the units and surrounding properties.</p>
4.	<p>The following shall be submitted for the written agreement of the Planning Authority prior to the commencement of development:</p> <p>a) Details of the materials, colours and textures of all the external finishes to the proposed building. The aluminium finish to be omitted and replaced with render or similar that meets the requirements of the Planning Authority.</p> <p>b) Provision of a landscaping plan with specific reference to the planting of additional trees along the north eastern boundary. A schedule of landscape maintenance shall be submitted to, and agreed in writing with, the Planning Authority.</p> <p>c) Details of lighting in the vicinity of the extension and common areas.</p> <p>Reason: In the interest of visual amenity and in the interest of residential amenity.</p>
5.	<p>a) Access to the roof area shall be restricted for purposes of maintenance works only and shall not be accessible to residents of this development.</p> <p>b) All windows on the north east elevation serving corridors shall be permanently fitted with non-opening windows fitted with opaque glazing.</p> <p>Reason: In the interest of residential amenity.</p>
6.	<p>Water supply and drainage arrangements, including the disposal of surface water, the provision of hardstanding that incorporate permeability, and the provision of a green roof on the proposed extension, shall comply with the requirements of the Planning Authority for such works and services.</p> <p>Reason: In the interest of public health.</p>
7.	<p>Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the Planning Authority prior to the commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the</p>

	<p>Department of the Environment, Heritage and Local Government in July 2006.</p> <p>Reason: In the interest of sustainable waste management.</p>
8.	<p>Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between the hours of 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the amenities of property in the vicinity.</p>
9.	<p>That all necessary measures be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works.</p> <p>Reason: To protect the amenities of the area.</p>
10.	<p>All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site.</p> <p>Reason: In the interest of orderly development and the visual amenities of the area.</p>
11.	<p>All recommended mitigation measures outlined in the submitted Natura Impact Statement shall be implemented in full by the developer.</p> <p>Reason: In the interest of ecological/ biodiversity protection.</p>
12.	<p>Prior to commencement of development, the developer shall lodge with the Planning Authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains and other services required in connection with the development, coupled with an agreement empowering the local authority to</p>

	<p>apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.</p> <p>Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.</p>
13.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>

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

Paul O'Brien

Senior Planning Inspector

15th February 2024