



An  
Bord  
Pleanála

## Inspector's Report

### ABP-315286-22

#### Development

Demolition of warehouse / factory / office buildings and removal of vehicular entrance. Construction of mixed use development comprising of 14 retail units, hotel, creche, office, 304 residential units, restaurant, bar, recreational areas and associated site works.

#### Location

Lands at Broombridge Industrial Estate and Dublin Industrial Estate bounded by Broombridge Road, Royal Canal and Royal Canal Way, Dublin 11.

#### Planning Authority

Dublin City Council North

#### Planning Authority Reg. Ref.

4865/22

#### Applicant

Woodberry Printing Limited.

#### Type of Application

Permission.

#### Planning Authority Decision

Refuse.

#### Type of Appeal

First Party

|                                |                                  |
|--------------------------------|----------------------------------|
| <b>Appellant</b>               | Woodberry Printing Limited.      |
| <b>Observer(s)</b>             | None.                            |
| <b>Date of Site Inspection</b> | 20 <sup>th</sup> September 2023. |
| <b>Inspector</b>               | Terence McLellan                 |

## Contents

|  |    |
|--|----|
| 1.0 Site Location and Description .....  | 4  |
| 2.0 Proposed Development .....           | 5  |
| 3.0 Planning Authority Decision .....    | 7  |
| 3.1. Decision .....                      | 7  |
| 3.2. Planning Authority Reports .....    | 9  |
| 3.3. Prescribed Bodies .....             | 14 |
| 3.4. Third Party Observations .....      | 15 |
| 4.0 Planning History.....                | 16 |
| 5.0 Policy Context.....                  | 17 |
| 5.1. Development Plan.....               | 17 |
| 5.5. Natural Heritage Designations ..... | 24 |
| 5.6. EIA Screening .....                 | 24 |
| 6.0 The Appeal .....                     | 26 |
| 6.1. Grounds of Appeal .....             | 26 |
| 6.2. Planning Authority Response .....   | 30 |
| 6.3. Observations .....                  | 31 |
| 6.4. Further Responses.....              | 31 |
| 7.0 Assessment.....                      | 31 |
| 8.0 Recommendation.....                  | 47 |
| 9.0 Reasons and Considerations.....      | 47 |
| Appendix 1 – Form 1: EIA Pre-Screening   |    |
| Appendix 2 – EIA Screening Determination |    |

## 1.0 Site Location and Description

- 1.1. The appeal site refers to an irregularly shaped 2.41 hectare plot within the Dublin Industrial Estate (also known as Broombridge Industrial Estate), which is located in Cabra East, Dublin 11. Occupying a fairly central location within the Dublin Industrial Estate, the plot currently comprises six industrial buildings. Four of these buildings are single storey, the remaining two are also generally single storey but incorporate some two storey office accommodation, including the main building fronting onto Broombridge Road. Associated parking and servicing areas are dispersed throughout the site. The buildings are currently occupied by Colorman (Ireland) Limited, a print and packaging company.
- 1.2. The site has a primary frontage onto Broombridge Road to the west which is also the main access to the site. The Royal Canal and associated Greenway mark the southern boundary of the site where there is a high boundary treatment that secures the site and prevents unauthorised access. To the north the site is bounded by neighbouring industrial units which are generally single storey, whilst the eastern boundary is marked by Boyne Road where there is a secondary vehicular access and further single storey industrial/warehouse units.
- 1.3. The area further to the south of the appeal site is characterised by two storey terraced housing. Tolka Valley Park is located approximately 300 metres to the north of the site. Other parks and amenity spaces of note within the surrounding area include Pope John Paul II Park to the south and Ashington Park to the west.
- 1.3.1. Broombridge Train Station, which forms part of the western commuter service, is located to the south of the site on the opposite side of the Royal Canal and provides connections terminating at Dublin Connolly Station. The Luas Green Line terminus at Broombridge is co-located with Broombridge Train Station and is located approximately 240 metres walking distance to the south of the site. There is a significant reduction in levels from south to north on Broombridge Road, accounting for the bridge over the Royal Canal. There is a slight rise in levels within the site towards Boyne Road to the east.

## 2.0 Proposed Development

- 2.1. Planning permission is sought for the demolition of all buildings on site and comprehensive redevelopment to provide a mixed use development comprising offices, retail units, hotel, new homes, and a crèche, across four new buildings ranging in height from two to 16 storeys.
- 2.2. The proposed buildings would generally be arranged around a new southwest – northeast aligned pedestrian street which would provide a connection from Broombridge Road to Boyne Road. The central part of this street would be covered. The development would be served by two separate basements, one serving the northern half of the site accessed via an internal street from Broombridge Road, and the other serving the southern half of the site with an access from Boyne Road. No through routes for vehicles would be provided through the site. The basements would provide ancillary services, plant, storage, vehicular parking, and bicycle parking.
- 2.3. The proposed buildings would generally take the form of linear blocks, with the majority of public and communal open spaces being provided within enclosed or semi-enclosed courtyards, although an area of open space would be provided at the southeast boundary of the site adjacent to the Royal Canal. A new pedestrian access would be provided at the Royal Canal, opening out onto an area of public open space with an onward connection to the covered pedestrian thoroughfare that traverses the site. A detailed breakdown of the proposed buildings is as follows:

### *Block A*

- 2.3.1. Block A would form the main frontage on Broombridge Road and would rise to 12 storeys in height. The ground floor of Block A would comprise four retail units and all upper levels would be for office use. The main vehicular access from Broombridge Road would be via a double height arch providing access to an internal street and connections to the northern basement ramp within Block B.

### *Block B*

- 2.3.2. Block B would be located adjacent to the northern site boundary and would comprise a large perimeter block ranging in height from two storeys where it aligns with the main pedestrian thoroughfare to the south, eight storeys on its western flank, and ten storeys on its northern and eastern edges. This building would comprise seven retail

units and an office at ground floor level, with additional office space on all upper levels. A large, enclosed courtyard would be provided, comprising approximately 1,060sqm of public open space. This would be accessed from two single storey cut throughs, one on the southern façade with access from the pedestrian street, and the other on the western facade, next to the basement ramp.

*Block C*

2.3.3. Block C is a large, roughly U shaped block that has a frontage onto the pedestrian street where it would be eight storeys in height, the boundary with Boyne Road where it would rise to 11 storeys in height, and the boundary on the Royal Canal where it would be ten storeys in height. A large area of communal open space would be provided within the semi enclosed courtyard (1,811sqm) and an area of public open space (1,375sqm) would be provided where Block C opens onto the Royal Canal. The section of Block C that runs along the pedestrian street would comprise three retail units and a creche at ground floor level with office space at first floor level. The remainder of Block C would be residential in its entirety with the following schedule of accommodation:

| Proposed Unit Mix |                  |           |       |
|-------------------|------------------|-----------|-------|
| One Bed           | Two Bed (4 Pers) | Three Bed | Total |
| 71                | 130              | 103       | 304   |
| 23.3%             | 42.7%            | 34.2%     | 100%  |

*Block D*

2.3.4. Block D would comprise a C shaped hotel and office building rising to 16 storeys, located at the southwest corner of the site, immediately adjacent to the junction of Broombridge Road and the Royal Canal. The ground floor would accommodate the hotel bar, restaurant, and lobby, as well as service spaces. First floor to sixth floor would comprise hotel accommodation (100 rooms), whilst seventh to 12<sup>th</sup> floors would comprise open plan office space. The upper levels of the building (floors 13 to 15) would provide multi-purpose spaces including a gym, spa/swimming pool, bar, and function spaces. A taxi drop-off zone would be provided at the hotel entrance which in turn would be accessed from the main site entrance on Broombridge Road.

2.3.5. A schedule of the relevant areas is provided below:

| Key Figures         |   |
|---------------------|---|
| Site Area           | 2.41 hectares   |
| Height              | 2 – 16 storeys (c.6.7m – 54.7m)   |
| Proposed Floorspace | Total - 90,757.34sqm<br>Block A – 16,421.5sqm<br>Block B – 25,807.2sqm<br>Block C – 34,041.4sqm<br>Block D – 14,487.24sqm |
| No. of Homes        | 304   |
| Dual Aspect         | 78.2% (Applicant)<br>76% (Planning Authority)   |
| No. of Hotel Rooms  | 100   |
| Office Space        | 44,334.85sqm  |
| Commercial Space    | 2,899.66sqm   |
| Ancillary Space     | 1,885.89sqm   |
| Open Space          | Communal – 2,192sqm (9%)<br>Public – 2,439sqm (10.1%)   |
| Vehicle Parking     | Cars – 296<br>Motorcycles – 44  |
| Bicycle Parking     | General – 848<br>Cargo – 30<br>Visitor – 192  |
| Residential Density | 126.1dph  |
| Plot Ratio          | 3.75  |
| Site Coverage       | 34%   |

### 3.0 Planning Authority Decision

#### 3.1. Decision

- 3.1.1. Notification of the Decision to Refuse Permission was issued by Dublin City Council on the 15<sup>th</sup> November 2022 citing the following five reasons for refusal:

1. The proposed development fails to take account of proposals of the Preferred Route (PR) for the extension of the Luas Green Line. An indicative bridge alignment has not been finalised and it is considered that the development of lands would be premature pending the finalisation of a design for the Luas extension. In the absence of information submitted, it is considered that the proposed development would compromise the delivery of the extension of the Luas Green Line / Luas Finglas and therefore would be contrary to Policy MT04 and Section 8.5.3 of the City Development Plan 2016 -2022 and would be contrary to the proper planning and sustainable development of the area.
2. The proposed development, given the high ratio of residential development proposed within the mixed use development, is considered contrary to development principles set out in Section 14.8.6 Employment /Enterprise – Zone Z6 of the City Development Plan 2016-2022 where residential use is to be subsidiary to the main employment generating uses and shall not conflict with the primary aim of the Z6 land-use zoning to provide for the employment requirements of the city. The proposed proportion of residential development is not considered to be subsidiary, and the development would lead to piecemeal development, would set an undesirable precedent for future development, and would be contrary to the proper planning and orderly sustainable development of the area.
3. The proposed development is considered premature on this site pending the preparation of a Local Area Plan and a comprehensive assessment of the development capacity and opportunity of the wider Z6 zoned lands of the Dublin Industrial Estate, which has been identified in the Dublin City Development Plan 2022-2028 adopted by elected members on the 2<sup>nd</sup> November 2022 as a priority area for the preparation of a Local Area Plan (LAP). The proposed development would, if granted, set an undesirable precedent for piecemeal development of the wider lands and would prejudice the future regeneration of such lands in accordance with national and regional policies, and would be contrary to the proper planning and orderly sustainable development of the area.



4. Having regard to the need for buildings of greater height to achieve high standards of urban design and architecture, and to successfully integrate with the character and public realm of the area as per Section 3.2 of the Urban Development and Building Heights Guidelines for Planning Authorities (December 2018), the proposed development does not successfully integrate with established development in the vicinity and constitutes overdevelopment of the site by reason of its excessive height, scale, unrelieved and excessive lengths, and monolithic design. The development as proposed would be seriously injurious to established development in the area by way of overbearing impact and would be visually incongruous. The proposed development would, therefore, be contrary to the Ministerial Guidelines and the City Development Plan 2016 - 2022 and the proper planning and sustainable development of the area.
5. The proposed development would fail to provide an acceptable standard of residential amenity for future occupants in accordance with the provisions of the Guidelines for Planning Authority on Design Standards for New Apartments (2020) as a result of an excessive provision of single aspect north facing units; poor quality of private open space for a high number of units and poor quality communal and public amenity spaces and the failure of a number of units to reach minimum daylight target standards and the absence of robust mitigating compensatory measures. The proposed development would, therefore, be contrary to the Ministerial Guidelines, and the proper planning and sustainable development of the area.

### **3.2. Planning Authority Reports**

- 3.2.1. The Planner's Report was issued on the 10<sup>th</sup> November 2022 and forms the basis of the Council's assessment. The assessment can be summarised under the following headings:

#### *Zoning*

- 3.2.2. The report notes the Z6 zoning of the site under the 2016-2022 CDP and that housing/mixed uses are required to be subsidiary to employment generating uses.

Concerns are raised at the lack of clarity regarding proposed job numbers as well as the use of ancillary spaces in the office floorspace calculation.

3.2.3. The Planner's report states that a plan led approach is required in terms of redeveloping this site and the wider lands which are identified in the draft CDP as being a priority area for the preparation of a Local Area Plan. Whilst noting that the applicant has submitted an indicative masterplan, the Planning Authority consider that the proposal on this strategically important site is premature pending the preparation of this LAP.

3.2.4. Concerns are that applying the principle of the proposed development to the wider lands would result in a significant population increase which needs to be properly planned for and an LAP is needed in that context. On this basis the Planning Authority take the view that the development would lead to fragmented ad hoc development in an unplanned and uncoordinated way, contrary to orderly sustainable development and would have a detrimental impact on the future development of surrounding lands.

#### *Luas Line Extension and Transport*

3.2.5. The Planning Authority note that Dublin City Council's policy on public transport will be implemented in collaboration with the National Transport Authority's Transport Strategy for the Greater Dublin Area 2016 -2035 and it is policy to protect route alignments from inappropriate development.

3.2.6. The report notes that the NTA are unable to confirm that the proposed development would facilitate the Luas Line extension due to a lack of appropriate and sufficient information on the line extension and interactions with the development. This view is shared by the Planning Authority who consider that insufficient information is provided in the Traffic and Transport Assessment in relation to the impact of the trip generation from the subject site on the Luas and it is further noted that the extension of the Luas at this location will likely change the current traffic patterns once in operation.

3.2.7. The Planning Authority consider that there would be sufficient access to high quality public transport and that there would be a high use of sustainable transport modes at this location. While the principle of connectivity to the canal is welcomed, the full extent of the interaction with the canal, having regard to the permitted upgrades to the greenway, should be considered further.

- 3.2.8. The report concludes that the development fails to take into account the proposals for the preferred route for the extension of the Luas Green Line and would compromise its delivery thereby contravening the CDP.

#### *Density and Design*

- 3.2.9. In principle, the Planning Authority support higher density residential schemes but raise concerns that the proposed density of 126.1 dph, if applied to the wider lands, would result in a significant population increase in the absence of a plan led approach.
- 3.2.10. The report notes that whilst site coverage is compliant with the range set out in the CDP, the plot ratio is excessive at 3.75. Concerns are raised regarding the height of the proposed blocks, the siting/quality of the open spaces and their layout and relationship with one another, and there is serious concern with how this proposed development would integrate into the immediate area.

The Planning Authority consider the proposal to be overdevelopment and that the buildings are of an overly dominant, monolithic design, that fails to integrate in a cohesive manner into the immediate neighbourhood.

#### *Quality of Accommodation*

- 3.2.11. The report notes that the proposed dwelling mix is acceptable but that the Housing Quality Assessment fails to show which units exceed the minimum standards by at least 10%, although all units are noted as either meeting or exceeding the standards. All units meet the storage requirements, but concerns are raised that storage spaces could be combined to create an additional bedroom.
- 3.2.12. All private amenity spaces meet or exceed the minimum standards but concerns re raised regarding the quality of north facing balconies and the Planning Authority consider the true level of dual aspect to be 76% with a high proportion of single aspect north facing units.

The report notes that 34 units would fail to meet BRE standards in terms of sunlight exposure which is an 11 % failure rate and largely a result of excessive heights. Additionally, 59 habitable rooms would fail to meet daylight standards of the BRE and the compensatory measures highlighted are not considered to be compensatory.

#### *Amenity Spaces*

3.2.13. The Planning Authority consider that whilst the quantum of open space is acceptable, the public open space and communal open space should be separated. The report notes that the proposed scheme does not quantify the play space proposed and its approach to meeting the guideline is therefore uncertain. Concerns are raised that large areas of amenity space fail to meet the BRE standards in terms of sunlighting, including public open space 2 and communal open space 1. The usability and quality of these spaces is therefore a concern.

#### *Other Matters*

3.2.14. The report notes the conclusions of the Ecological Impact Assessment that the development is unlikely to have any significant effects on its own or cumulatively with other projects for local wildlife. Measures have been outlined within the report to reduce any potential impacts for local ecology.

3.2.15. The report notes that the CDP requires a crèche for schemes with over 75 homes and that the creche proposed by the applicant would not be big enough. Furthermore, it is noted that the applicant has not submitted a Social Audit as part of this application, so it is unknown if there are sufficient social community facilities in the immediate area to serve the proposed population of the development.

#### 3.2.16. **Other Technical Reports**

3.2.17. **Archaeology Section (02.11.2023)**: No objection, subject to conditions. The relevant condition relates to the provision of an Archaeological Assessment (including impact assessment), Method Statement, Mitigation Strategy, Archaeological Monitoring/Excavation/Preservation/Reporting, and agreement on foundation layouts.

3.2.18. **Drainage Division (11.10.2023)**: No objection, subject to standard drainage conditions.

3.2.19. **Environmental Health Officer (05.10.2023)**: No objection, subject to conditions. The relevant conditions relate to the provision of an amended Acoustics Report, Asbestos Survey, Contaminated Land Investigation, an amended Outline Construction Management Plan, noise levels, and air quality/emissions.

3.2.20. **Housing Development (14.09.2023)**: Advise that an agreement in principle on Part V compliance has been reached.

- 3.2.21. **Parks, Biodiversity and Landscape Services Division (07.11.2022):** The Parks service do not consider the loss of trees to be significant and new planting would compensate for any loss. Open spaces should be separated, and recreational facilities should be provided in the public open space.
- 3.2.22. Concerns are raised as to the layout/location/quality of the open spaces. Green roofs should be considered in addition to the proposed blue roofs. In terms of biodiversity, there are concerns that insufficient field surveys have been undertaken for protected species as well as a lack of detailed assessment of impacts arising from the proposed development such as light pollution and removal of canal side vegetation.
- 3.2.23. The report notes that that field surveys for bat roosts within the buildings proposed to be demolished would be required in addition to conditions regarding biodiversity enhancement if planning permission was to be granted. Further conditions are recommended in the event that planning permission is granted.
- 3.2.24. **Transportation Planning Division (26.10.2023):** Recommend refusal of planning permission. Concerns are raised as to how the development would interact with the Luas and the information submitted with the application is not considered sufficient to demonstrate how the development would accommodate the Luas extension.
- 3.2.25. It is noted that the development is well located for public transport and close to the Greenway where cycling and pedestrian provision is made. It is anticipated that there would be a high use of sustainable transport modes at this location. Servicing/delivery would be high as well as car parking and how this interacts with the Luas needs to be properly considered and assessed.
- 3.2.26. Given the sites location and proximity to public transport, this division does not support the provision of parking where alternatives exist. While some car parking for the office use may be needed, further details would be required to justify the quantum proposed and outlined how it will be managed.
- 3.2.27. It is noted there is a covered street proposed between Block B and Block C with a shared surface. However, it is unclear how the interaction with the access road will be managed to ensure pedestrian connectivity is maintained yet vehicular access is restricted. The provision of removable bollards should be considered.

- 3.2.28. A Road Safety Audit is required in relation to the proposed entrance onto Broombridge road as there is significant pedestrian and cycling movements at this location. The proposal to relocate the existing entrance and the proximity to the signalised junction at the bridge needs to be considered.
- 3.2.29. The cycle parking provision for residents is inadequate based on the Apartment Guidelines. It is not considered appropriate to justify the reduced car parking standards based on the Apartment Guidelines but then apply the Development Plan standards for cycle parking. Furthermore, it is unclear if shower/changing facilities are provided in close proximity to the basement cycle stores for the office uses. No bicycle parking appears to have been provided for the crèche employees.

### 3.3. Prescribed Bodies

- 3.3.1. **Iarnród Éireann (30.09.2023)**: Observations are made on the requirements of the developer to comply with the Railway Safety Act 2005, the requirement to enter into an agreement with Iarnród Éireann/C.I.E should the developer need to use a crane that could pass over the railway, and the requirement to address noise and vibration impacts from the railway in the design of the development.
- 3.3.2. **Irish Water (16.09.2023)**: No objections but note that there is an Irish Water foul sewer running through the site and that the applicant shall comply fully with Irish Water's requirements for building close to foul sewers.
- 3.3.3. **National Transport Authority (13.10.2023)**: The NTA recommends permission is refused for the proposed development due to the absence of a full assessment of the interface with the Luas Finglas project, the associated lack of full integration between the development and Luas, and the absence of sufficient information provided as part of the application which demonstrates how it would accommodate Luas Finglas.
- 3.3.4. **Transport Infrastructure Ireland (13.10.2023)**: No objections. TII note that the future Luas, Metro and BRT alignments are a matter for the NTA. Should permission be granted then a Section 49 Supplementary Development Contribution condition should be applied (St Stephen's Green to Broombridge Line).
- 3.3.5. **Waterways Ireland (20.10.2023)**: Observations made regarding the provision of a public access point onto the towpath of the Royal Canal at this location, which would require consultation and approval with Waterways Ireland prior to commencement of

works. Additionally, it is noted that the Royal Canal is part of a proposed Natural Heritage Area (pNHA) and any change or alteration to the boundaries of the Royal Canal would require extensive consultation with Waterways Ireland.

### 3.4. Third Party Observations

3.4.1. Two observations were received in response to the planning application as summarised below:

3.4.2. Councillor Cieran Perry, care of City Hall, Dublin 2.

- A 16 storey development is a breach of the Dublin City Development Plan.
- Broombridge is not one of the areas designated as suitable for high rise development in the CDP.
- The plot ratio at 3.75 indicates an extremely dense development and would be in excess of the permitted range of 0.5-2.0.
- The proposal does not meet the criteria for Z6 zoning due to the dominance of the residential and hotel aspects of the development.
- The 13 storey development at Ratoath Road Bridge was permitted under the Strategic Housing Development process which allowed breaches of the Dublin City Development Plan. It dominates the skyline and is visibly intrusive. The proposed 16 storey development will add to this and set a precedent for further high rise developments in the immediate area.
- Uncontrolled development of this scale is unsustainable and could lead to accusations of developer led planning. If the lands are to be repurposed, then an agreed plan is required as a minimum.

3.4.3. Councillor Eimer McCormack of 89 Geraldstown Wood, Santry Avenue, Dublin 9.

- Fully supportive of the proposal. The addition of much needed homes, additional businesses and employment is generally welcomed.
- Some concerns raised include:
  - Is there a traffic management plan for both the construction and completed phase of the development?

- Has a traffic survey been completed and are the results available?
- Has an environmental survey been completed and are the results available?
- Concerns over the height of the hotel at 16 storeys. This seems excessive and could cause privacy, light and shade issues.

## 4.0 Planning History

### *Subject Site*

- 4.1.1. **Planning Authority Ref. 2240/16:** Planning permission was granted by Dublin City Council in April 2016 for three extensions to existing structures. This included an extension to an existing storage warehouse, an extension to an existing production space; and a single storey extension connecting two existing production spaces located to the south end of the site adjacent to the boundary wall that runs parallel to the Royal Canal. This planning permission was never implemented and has since expired.

### *Relevant Planning History of Adjacent Sites*

#### Tolka Industrial Park, Ballyboggan Road, Dublin 11

- 4.1.2. This site lies to the west of the appeal site within the wider industrial estate and, like the appeal site, has a frontage onto the Royal Canal.
- 4.1.3. **ABP Ref. 310609-21 (Tolka Valley SHD):** Planning permission was refused by the Board in October 2021 for the demolition of the existing warehouse structures and outbuildings and the construction of 142 apartments with associated site works. The Board refused permission on the basis that the development would materially contravene the development plan by providing housing at an inappropriate ratio for Z6 zoned lands, and that the development would be premature pending the completion of a review of the Z6 zoning objective as part of the ongoing review of the Dublin City Development Plan 2016-2022. As such, the Board considered that a grant of permission in this instance would set an undesirable precedent for the ad hoc and piecemeal development of Z6 'Employment / Enterprise' zoned lands that could prejudice the future regeneration of such lands.



- 4.1.4. **Planning Authority Ref. 3166/22:** Planning permission was refused by Dublin City Council in March 2022 for the redevelopment of the site to provide a mixed-use development comprising office accommodation; a cafe/service unit; and 71 No. apartments. This decision has been appealed to the Board under reference ABP-313376-22 and a decision is pending. The reasons for refusal included the proportion of residential use not being suitably subsidiary to the employment generating uses on site and as such being contrary to the Z6 zoning, that the development would be premature pending the completion of a review of the Z6 zoning objective as part of the ongoing review of the Dublin City Development Plan 2016-2022, and that the site itself was unsuitable for the height and scale of the buildings being proposed, particularly in the absence of a detailed masterplan.

Former Ormond Printworks Building, Rathoath Road, Dublin 11

- 4.1.5. This site lies to the west of the appeal site, within an industrial estate, bounded by Rathoath Road to the east and the Royal Canal to the south.
- 4.1.6. **Planning Authority Ref. 3568/19:** Permission was granted by Dublin City Council in September 2019 for the demolition of the existing buildings.
- 4.1.7. **ABP Ref. 306167-19 (Royal Canal Bank Phase 4 SHD):** Permission was granted by the Board in May 2020 for a mixed use commercial and residential scheme providing 4,162sqm of employment floorspace and 435 new dwellings.

## 5.0 Policy Context

### 5.1. Development Plan

- 5.1.1. The planning application was considered by the Planning Authority for compliance with the policies and objectives of the Dublin City Development Plan 2016 – 2022, which was the relevant policy document in force at the time. A new City Development Plan came into effect on 14<sup>th</sup> December 2022 for the period 2022 – 2028, which will be considered herein.

#### **Dublin City Development Plan 2022-2028**

- 5.1.2. The site is zoned Z6: Employment and Enterprise, the stated objective of which is to provide for the creation and protection of enterprise and facilitate opportunities for

employment creation. The primary objective for this zone is to facilitate long-term economic development in the city. It is important that these remaining Z6 zoned lands provide for intensive employment and accommodate a wide range of local services. Proposals for development of these lands should create a high quality physical environment; coherent urban structure; provide the opportunity to develop sustainable employment use; and, contribute to developing the strategic green network by providing green infrastructure, landscape protection, public open space and sustainable energy solutions.

5.1.3. Chapter 2: Core Strategy, the purpose of the core strategy is to guide the spatial direction of future development and regeneration in the city in line with the principles of compact growth. The relevant objective from this chapter is:

- CSO1: Feasibility Study and Local Statutory Plan for Z6 Zoned Lands at Glasnevin – it is a stated objective to prepare a feasibility study and a local statutory plan for the Z6 zoned lands at Glasnevin (Dublin Industrial Estate and environs) in consultation with the relevant stakeholders, including an infrastructural audit with costings and implementation strategy to enable sustainable regeneration and development.

5.1.4. Chapter 3: Climate Action, contains the Council’s policies and objectives for addressing the challenges of climate change through mitigation and adaptation.

5.1.5. Chapter 4: Shape and Structure of the City, sets out the Council’s strategy to guide the future sustainable development of the city. The objective is to ensure that growth is directed to, and prioritised in, the right locations to enable continued targeted investment in infrastructure and services and the optimal use of public transport. Policies from this chapter that are of specific relevance include:

- SC5: Urban Design and Architectural Principles – seeks to promote the urban design and architectural principles set out in Chapter 15, and in the Dublin City Public Realm Strategy 2012, in order to achieve a climate resilient, quality, compact, well-connected city and to ensure Dublin is a healthy and attractive city to live, work, visit and study in.
- SC11: Compact Growth - In alignment with the Metropolitan Area Strategic Plan, to promote compact growth and sustainable densities through the

consolidation and intensification of infill and brownfield lands, particularly on public transport corridors.

- SC16: Building Height Locations - recognising the potential and need for increased height in appropriate locations.
- SC17: Building Height – seeks a masterplan approach on sites over 0.5 hectares and accordance with criteria in Appendix 3 of the CDP.
- SC19: High Quality Architecture – seeks to promote development which positively contributes to the city’s built and natural environment, promotes healthy placemaking and incorporates exemplar standards of high-quality, sustainable and inclusive urban design and architecture befitting the city’s environment and heritage and its diverse range of locally distinctive neighbourhoods.

5.1.6. Chapter 5: Quality Housing and Sustainable Neighbourhoods, seeks the provision of quality, adaptable homes in sustainable locations that meet the needs of communities and the changing dynamics of the city. The delivery of quality homes and sustainable communities in the compact city is a key issue for citizens and ensuring that Dublin remains competitive as a place to live and invest in.

5.1.7. Chapter 6: City and Enterprise is of relevance. This chapter recognises that Dublin is an international city and gateway to the European Union for many businesses. The city region contributes significantly to Ireland’s economy and is a major economic driver for the country. Policies of specific relevance from this chapter are:

- CEE7: Strategic and Targeted Employment Growth - seeks to promote strategic and targeted growth of strategic development areas and corridors in accordance with the RSES and MASP with a focus on the city centre, the Docklands, the Outer City and Key Urban Villages and Neighbourhood Centres/Urban Villages.
- CEE10: The Outer City - To support employment growth in the outer city by encouraging the intensification of infill, brownfield and underutilised land, particularly where it aligns with existing and future public transport infrastructure.

5.1.8. Chapter 8: Sustainable Movement and Transport, seeks to promote ease of movement within and around the city and an increased shift towards sustainable modes of travel and an increased focus on public realm and healthy placemaking, while tackling congestion and reducing transport related CO2 emissions. Policies of specific relevance from this chapter include:

- SMT1: Modal Shift and Compact Growth - To continue to promote modal shift from private car use towards increased use of more sustainable forms of transport such as active mobility and public transport, and to work with the National Transport Authority (NTA), Transport Infrastructure Ireland (TII) and other transport agencies in progressing an integrated set of transport objectives to achieve compact growth.
- SMT4: Integration of Public Transport Services and Development, seeks to support and encourage intensification and mixed-use development along public transport corridors and to ensure the integration of high quality permeability links and public realm in tandem with the delivery of public transport services, to create attractive, liveable and high quality urban.
- SMT22: Key Sustainable Transport Projects - To support the expeditious delivery of key sustainable transport projects so as to provide an integrated public transport network with efficient interchange between transport modes, serving the existing and future needs of the city and region and to support the integration of existing public transport infrastructure with other transport modes. In particular the following projects subject to environmental requirements and appropriate planning consents being obtained:
  - DART +
  - Metrolink from Charlemount to Swords
  - BusConnects Core Bus Corridor projects
  - Delivery of Luas to Finglas
  - Progress and delivery of Luas to Poolbeg and Lucan

5.1.9. Chapter 9: Sustainable Environmental Infrastructure and Flood Risk, aims to address a broad range of supporting infrastructure and services including water, waste, energy, digital connectivity and flood risk/surface water management.

5.1.10. Chapter 10: Green Infrastructure and Recreation, recognises that the city's natural assets are an essential resource for conserving biodiversity and for creating a healthy, low carbon, resilient and connected city. They include our parks, open spaces, landscapes, watercourses, coastline and urban tree canopy. Protecting and enhancing the quality of Dublin City's natural assets and ensuring green, sustainable and climate resilient development will be central to ensuring the liveability of the city and its attractiveness as a place to live, work and visit into the future.

5.1.11. Chapter 11: Built Heritage and Archaeology, recognises that the city's heritage contributes significantly to the collective memory of its communities and to the richness and diversity of its urban fabric. It is key to the city's character, identity and authenticity and is a vital social, cultural, and economic asset for the development of the city. The Development Plan plays a key role in valuing and safeguarding built heritage and archaeology for future generations. The plan guides decision-making through policies and objectives and the implementation of national legislation to conserve, protect and enhance our built heritage and archaeology.

- Broome Bridge (Reg. 50060126) is listed as on the inventory of Architectural Heritage and sits close to but outside of the boundary of the application site.

5.1.12. Chapter 15: Development Standards, contains the Council's Development Management policies and criteria to be considered in the development management process so that development proposals can be assessed both in terms of how they contribute to the achievement of the core strategy and related policies and objectives. Sections of this chapter that are of specific relevance include:

- 15.5.1 Brownfield, Regeneration and Large Scale Development - To provide high-quality new streets and open spaces connecting into the surrounding street pattern/ open space network.
- 15.5.4: Height
- 15.5.6: Plot Ratio and Site Coverage

5.1.13. Relevant Appendices include:

- Appendix 3: Achieving Sustainable Growth sets out the height strategy for the city, with criteria for assessing higher buildings and provides indicative standards for density, plot ratio and site coverage.

## 5.2. Regional Policy

### **Regional Spatial and Economic Strategy for the Eastern and Midland Region 2019-2031 (RSES)**

- 5.2.1. The RSES including the Dublin Metropolitan Area Strategic Plan (MASP) was adopted on the 3rd of May 2019. 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. The RSES seeks to promote compact urban growth by making better use of under-used land and buildings within the existing built-up urban footprint and to drive the delivery of quality housing and employment choice for the Region's citizens. The RSES seeks to build a resilient economic base and promote innovation and entrepreneurship ecosystems that support smart specialisation, cluster development and sustained economic growth.

## 5.3. National Policy and Guidance

### **Project Ireland 2040, National Planning Framework (2018) (NPF)**

- 5.3.1. The NPF addresses the issue of 'making stronger urban places' and sets out a range of objectives which it considers would support the creation of high quality urban places. Relevant Policy Objectives include:
- National Policy Objective 2a: A target of half (50%) of future population and employment growth will be focused in the existing five cities and their suburbs.
  - National Policy Objective 6: Regenerate and rejuvenate cities, towns and villages of all types and scale as environmental assets, that can accommodate changing roles and functions, increased residential population and employment

activity and enhanced levels of amenity and design quality, in order to sustainably influence and support their surrounding area.

- National Policy Objective 11: In meeting urban development requirements, there will be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth.
- National Policy Objective 33: Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.
- National Policy Objective 35: Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

#### **5.4. Section 28 Ministerial Guidelines**

5.4.1. Having considered the nature of the proposal, I consider that the directly relevant section 28 Ministerial Guidelines and other national policy documents are:

- Urban Development and Building Heights, Guidelines for Planning Authorities (2018). The Building Heights Guidelines state that increased building height and density will have a critical role to play in addressing the delivery of more compact growth in urban areas and should not only be facilitated, but actively sought out and brought forward by our planning processes, in particular by Local Authorities and An Bord Pleanála. These Guidelines caution that due regard must be given to the locational context and to the availability of public transport services and other associated infrastructure required to underpin sustainable residential communities.
- Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities (2009) and the accompanying Urban Design Manual: A Best Practice Guide (2009)

- Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities (December 2020)

## 5.5. Natural Heritage Designations

### 5.5.1. The nearest European sites are:

- South Dublin Bay SAC (site code 000210) 7.1km to the south east.
- North Dublin Bay SAC (site code 000206) 8.61km to the east.
- Baldoyle Bay SAC (site code 000199) 11.79km to the north east.
- South Dublin Bay and River Tolka Estuary SPA (site code 004024) 4.95km to the east.
- North Bull Island SPA (site code 004006) 11.05km to the south east.
- Baldoyle Bay SPA (site code) 004016) 12km to the north east.
- The Royal Canal which is a proposed Natural Heritage Area (pNHA) is located immediately adjacent to the southern boundary of the site.

## 5.6. EIA Screening

5.6.1. The development is within the class of development described at paragraph 10(b) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001 (as amended). An Environmental Impact Assessment would be mandatory if the development exceeded the specified threshold of 500 dwelling units or development involving an area of greater than 10 hectares. The site is zoned for employment uses. The proposal for new offices, retail units, a crèche, hotel and 304 new homes on a site of 2.41 hectares is below the mandatory threshold for EIA outside of a business district. The proposed development is therefore sub-threshold for the purposes of EIA.

5.6.2. The application addresses the issue of EIA within an EIA Screening Report that contains information provided in line with Schedule 7A of the Planning Regulations. The information provided in the application EIA Screening Report identifies and describes adequately the effects of the proposed development on the environment. Where an application is made for subthreshold development and Schedule 7A information is submitted, the Board must carry out a screening determination in line



with the requirements of Article 109(2B)(a)(b) of the Planning and Development Regulations, therefore, it cannot screen out the need for EIA at preliminary examination.

5.6.3. The reports submitted with the application address a variety of environmental issues and the environmental impacts of the proposed development. The reports demonstrate that, subject to the various recommended construction and design-related mitigation measures, the proposed development would not have a significant impact on the environment. I have had regard to the characteristics of the site, the location of the proposed development, and the type and characteristics of the potential impacts. Having regard to the Schedule 7A information, I have examined the sub-criteria and all submissions, and I have considered all information that accompanied the application and appeal. I have completed an EIA screening assessment of the proposed development with respect to all relevant considerations, as set out in Appendix 2 to this report. Having regard to:

- The nature and scale of the proposed development, which is below the threshold in respect of classes 10(b)(i)(iv) and 14 of Part 2 to Schedule 5 of the Planning and Development Regulations 2001 (as amended).
- The location of the proposed development on lands zoned Z6 'Employment/Enterprise' with an objective "to provide for the creation and protection of enterprise and facilitate opportunities for employment creation" and the results of the Strategic Environmental Assessment of the Development Plan.
- The nature of the existing site and the pattern of development in the surrounding area.
- The availability of mains water and wastewater services to serve the proposed development.
- The location of the development outside of any sensitive location specified in Article 109(4)(a)(v)(I-VII) of the Planning and Development Regulations 2001, as revised.
- The guidance set out in the 'Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development', issued by the Department of the Environment, Heritage and Local Government (2003).
- The criteria set out in Schedule 7 of the Planning and Development Regulations 2001, as revised, and.

- The features and measures proposed by the applicant that are envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified to be provided as part of the Outline Construction Management Plan, Outline Resource and Waste Management Plan, Engineering Services Report, Planning Stage Acoustic, and Site Specific Flood Risk Assessment.

5.6.4. It is considered that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an Environmental Impact Assessment Report would not, therefore, be required.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

6.1.1. An appeal has been submitted by Hughes Planning and Development Consultants of 85 Merrion Square, Dublin 2, for and on behalf of Woodberry Printing Limited against the decision of Dublin City Council to refuse planning permission for the proposed development. The grounds of appeal can be summarised into the following topics which broadly align with the reasons for refusal:

#### *6.1.2. Interaction with Luas Green Line Extension*

- The proposal has shown due regard for the emerging preferred route for the future Luas Green Line extension and documentation has been provided to illustrate how this route option could be facilitated along the western edge of the site.
- The extent of regard shown for the Luas Green Line extension is commensurate with the extent of information currently available for this transport infrastructure project.
- It is not considered necessary to achieve full integration with the development of the Luas infrastructure in advance of final design details for the infrastructure being available and an appropriately sized landbank being offset within the application site to accommodate this infrastructure (is provided).

- The extent of information provided in relation to interaction with the Luas Line in relation to impacts arising from trip generation and future construction works is appropriate and relative to the extent of information currently available.
- This is a prominent site that the applicant intends to deliver promptly, it is therefore considered reasonable that the assessment of the application could be concluded without unnecessary obstruction for consideration for the delivery of future transport infrastructure which has yet to progress to detailed design stage.
- The applicant is willing to facilitate the expansion of Luas infrastructure on the site in compliance with MT04 of the 2016 CDP and the Board should have regard to the details submitted that demonstrate that the applicant has held extensive consultation with TII and has incorporated relevant design changes within the proposed development to facilitate this transport infrastructure.
- The applicant has engaged with TII and has made relevant design changes that reflects the information received to date, it is therefore disingenuous to suggest the applicant has failed to take account of the Luas issue.
- A condition could be included requiring that the applicant liaise with the NTA to confirm that the extent of land allocated to accommodate Luas infrastructure is appropriate. Should the extent of land allocated to accommodate Luas infrastructure be insufficient then revised drawings could be submitted to the PA illustrating a revised site layout.

### 6.1.3. Residential Use

- In the context of the proposal being a mixed use part commercial/part residential development, the residential use is clearly subordinate and ancillary to the cumulative commercial uses.
- Whilst the Draft CDP 2022-2028 is acknowledged (where residential is not a permissible use), it should be confirmed that the application was lodged and assessed under the 2016-2022 CDP wherein residential use is permitted under the Z6 Zoning objective.
- The Board is asked to give consideration to amendments proposed as part of the appeal that seek to change the proposed residential accommodation to

office space, thereby making the scheme compliant with the Z6 zoning objective.

#### 6.1.4. *Prematurity*

- The applicant arranged for the preparation of an indicative masterplan for inclusion with the planning application and it is considered that the Planning Authority have acted in an unscrupulous manner with regards to their assessment of this indicative plan.
- The rationale regarding the subject site is that it is the optimum starting point for the redevelopment and regeneration of the southern part of the Broombridge Industrial Estate and will act as a stimulus for the continued development of the area.
- The proposal has been designed with regard for the development of the wider estate and approval of the proposed development could provide the impetus for the future plan led redevelopment of the adjoining sites/wider estate.
- Acknowledge the extent of population that could be accommodated across the wider 52 hectares of industrial land upon application of the proposed density, however no planning applications for residential have been submitted to the Planning Authority for the wider estate.
- The Planning Authority's commentary on future population is flawed given that the draft CDP 2022-2028 no longer permits residential on Z6 zoned lands. The number of units and population estimates provided by the Planning Authority therefore exaggerate the impact of the proposal.
- It is inappropriate to assess the development of a 2.4 hectare site, which is situated at the most prominent location within the wider industrial estate, in the context of the future development of a wider land bank extending to 52 hectares.
- The proposal can spearhead the overall development and improvement of the surrounding lands and whilst the benefits of a LAP are noted, this could be progressed having regard to the subject proposal as opposed to seeking to guide the development of each site within the 52 hectare estate.
- The Planning Authority have provided no indication as to when it intends to begin the preparation of a Local Area Plan. Given the time scale and process

involved, it is reasonable to say that an LAP would not be available until mid 2024 or perhaps 2025 at the earliest. This would result in a situation whereby development proposals would only begin to be approved in late 2026/2027 and this is unreasonable in the context of improving the efficient use of centrally located sites within Dublin.

#### 6.1.5. *Architectural Design*

- In terms of design, scale and massing, the planning authority has failed to acknowledge the prominence of the site within the context of the immediate area.
- The site gateway location provides direct justification for the abrupt transition in height insofar that the Planning Authority seek the efficient use of the wider and strategically located land bank.
- Would query the need to have regard for the established commercial development due to its impending redevelopment.
- With regards to the established residential context, it is considered that the design, scale, massing of the development is appropriate relative to the separation distance achieved between the blocks and the existing homes south of the Royal Canal.
- The immediate streetscape of the area has seen no improvement in recent years, there is no uniformity in how sites interface with Broombridge Road or in terms of building design, it is therefore unclear how the development would have an adverse impact on the architectural character of the area.
- The development would contribute significantly to the legibility of the area given its landmark design.
- Disagree with the PA claim that the development would fail to integrate into the immediate area, noting that the vast majority of the area is set for redevelopment over the course of the 2022-2028 CDP.
- Separation distances are sufficient to ensure no overbearing relationship and the blocks would not be overly dominant or monolithic.
- The Board are asked to give consideration to the revised drawings submitted with the appeal which reduce the heights of all blocks. The revisions are considered appropriate in the context of reducing overbearing impacts and are

an appropriate design response that presents a more sympathetic height to the receiving environment.

#### 6.1.6. *Residential Amenity*

- It is confirmed that all apartments were designed in complete compliance with the provisions of the Apartment Guidelines to provide a high standard of residential amenity for future occupants.
- In line with the revisions proposed as part of the appeal, residential would no longer be provided and as such this reason for refusal has been fully addressed.

### 6.2. **Planning Authority Response**

- 6.2.1. The Planning Authority responded to the appeal on the 13<sup>th</sup> December 2023, stating that the Planner's Report comprehensively deals with all of the relevant issues in justifying the decision to refuse permission.
- 6.2.2. In addressing the proposed revisions submitted by the applicant as part of the appeal, the Planning Authority consider that the limited reductions in height and floorspace do not overcome the concerns raised as to how this development would integrate into the immediate area. The response notes that the omission of the substandard residential units is welcomed, but that the development would still be considered premature pending the preparation of a Local Area Plan and a comprehensive assessment of the development capacity/opportunity of the wider Dublin Industrial Estate.
- 6.2.3. It remains the opinion of the Planning Authority that the development would set an undesirable precedent for the piecemeal development of the wider estate, would prejudice the future regeneration of these lands, would be contrary to the proper planning and sustainable development of the area, and would be premature pending the finalisation of a design for the Luas extension.
- 6.2.4. The Planning Authority therefore request that the Board uphold the decision to refuse planning permission. Should the Board be minded to grant permission, the Planning Authority request that the following conditions be applied:
- Section 48 Development Contributions
  - Section 49 Luas Contributions

- Financial contributions in lieu of open space
- Payment of a bond
- Part V social housing
- Street naming and numbering

### 6.3. **Observations**

6.3.1. None.

### 6.4. **Further Responses**

6.4.1. None.

## 7.0 **Assessment**

7.1. At the outset I would advise the Board that the applicant has submitted revisions to address some aspects of the refusal of planning permission, to be considered as part of the appeal. The scheme amendments can be summarised as follows:

- Block A: Reduction in height from 12 storeys to ten storeys.
- Block B: Removal of the western flank of the perimeter block to open up the courtyard and increase open space. Amendments to the range of heights from part 10/8/2 storeys to part 10/5 storeys. Reduction in the number of retail units from seven to five.
- Block C: Height reduced from part 11/10/8 storeys to part 10/9/8 storeys. Provision of office space instead of residential and provision of an additional retail unit instead of a creche facility.
- Block D: Height reduced from 16 storeys to a maximum of 12 storeys. Reduction in the office floorspace from 4,502sqm to 1,801sqm.

7.2. In my opinion, the proposed amendments are significant and would require further advertisement if the Board were minded to grant permission. However, given the substantive reasons for refusal, I am satisfied that the amendments can be addressed, where relevant, in the assessment of the appeal.

7.3. Having undertaken a site visit and having regard to the relevant policies pertaining to the subject site, the nature of existing uses on and in the vicinity of the site, the nature and scale of the proposed development and the nature of existing and permitted development in the immediate vicinity of the site, I consider that the main issues pertaining to the proposed development can be assessed under the following headings:

- Zoning
- Prematurity
- Transport
- Design and Quantum of Development
- Residential Quality
- Other Matters
- Appropriate Assessment

#### 7.4. Zoning

7.4.1. One of the core issues in the appeal relates to the Planning Authority's concern that the ratio of residential development would be too high and that this would be contrary to the Z6 zoning objective. The Planning Authority considered that the development would set an undesirable precedent for the piecemeal development of the wider lands, and that the development would prejudice the future regeneration of such lands.

7.4.2. The application was originally assessed under the previous 2016-2022 CDP where the site was zoned Z6 and residential use was 'open to consideration', with the caveat that non-employment/enterprise uses must be at a ratio whereby they would be subsidiary to the main employment generating uses on site. The Dublin City Development Plan 2022-2028 (hereafter the CDP) came into effect on the 14<sup>th</sup> December 2022. Under the CDP, the appeal site remains zoned Z6, however the scope of uses classed as being 'open to consideration' has narrowed and residential is no longer open to consideration.

7.4.3. The applicant has acknowledged this in the grounds of appeal and has stated that whilst the revised zoning is acknowledged, it should be confirmed that the application



was lodged and assessed under the 2016-2022 CDP wherein residential use was at least open to consideration under the Z6 zoning objective. Whilst I appreciate the applicant's point, decisions must be based on the development plan that applies at the time a decision is taken. On that basis, the appeal must be assessed against the current CDP.

- 7.4.4. I note the concerns raised by the Planning Authority regarding the ratio of residential use to employment generating uses and the claims made by the applicant that the residential use would be subordinate to the overall commercial offer of the mixed use development. However, taking account of the reality of the amended Z6 zoning criteria, the proposed development, by the inclusion of residential use, would be contrary to the zoning objectives of the CDP and would result in a material contravention of the development plan, regardless of the proportion of residential use.
- 7.4.5. Recognising that the provision of residential use would now be contrary to the zoning objective, the applicant has submitted an amended development proposal as part of the appeal which would remove the proposed residential use in its entirety and convert all of the residential space in Block C from residential to office. In the absence of residential accommodation, the previously proposed creche at ground floor level would be converted to an additional retail unit.
- 7.4.6. The revised proposed range of uses would therefore be offices, retail, and hotel. Offices would be the primary use on site with approximately 59,915sqm of floorspace and this would be fully compliant with the Z6 zoning objective. Both hotel and retail are 'open for consideration' uses and would provide 9,084sqm and 2,696sqm of floorspace respectively. Office floorspace would therefore constitute at least 77% of the floorspace being provided on the site and I am satisfied that this would afford suitable primacy to employment and enterprise generating uses, with both retail and hotel use being suitably subsidiary in quantum. I therefore consider the amended development to be acceptable in zoning terms.

## 7.5. **Prematurity**

- 7.5.1. The Planning Authority have raised concerns that the redevelopment of the site would be premature pending the preparation of a Local Area Plan (LAP) and a comprehensive assessment of the development capacity and opportunity of the wider Z6 zoned lands of the Dublin Industrial Estate. The core issues being that if the

proposed development quantum was applied to the wider estate, then there would be a significant increase in population that would need to be planned for and it is considered that a plan led approach is required in order to avoid fragmented, uncoordinated development.

- 7.5.2. As set out in Chapter 14 of the CDP, a comprehensive review of the Dublin's zoned land has been undertaken and a number of changes have been made to the land-use zoning objectives, zoned areas, and the nature and extent of appropriate uses. This review built on the comprehensive study of the city's Z6/Z7 zoned lands that was undertaken in accordance with Objective CEE04 of the 2016 -2022 Development Plan in order to identify lands with the potential to accommodate more intense land-uses within the existing built fabric of the city over the short, medium and long term.
- 7.5.3. The implications of the outcome of this review for the Z6 zoned lands is set out in the zoning assessment above. Essentially, residential was removed as an 'open for consideration' use. In some respects, this has been a pre-emptive decision by the Council in order to discourage a rush of applications for housing prior to a LAP being prepared and adopted, in order to coordinate and manage the future development of the estate.
- 7.5.4. The applicant on the other hand considers that the appeal site is the optimum starting point for the redevelopment of the estate, and that the development would act as a stimulus for the continued development of the area. In many respects, this would appear to be the outcome that the Planning Authority are seeking to avoid in the absence of an LAP or an adopted masterplan for the wider estate.
- 7.5.5. Section 18(3)(a) of the Planning and Development Act 2000 (as amended), states that, when considering an application for permission under section 34 of the Act, a planning authority, or the Board on appeal, shall have regard to the provisions of any local area plan prepared for the area to which the application relates, and the authority or the Board may also consider any relevant draft local plan which has been prepared but not yet made. In this instance, the Planning Authority have prepared a Pre-Draft Public Consultation Issues Paper on the Baile Bogáin LAP as the first stage in the preparation of the LAP.
- 7.5.6. I agree with the Planning Authority that an LAP would be the appropriate policy instrument to guide the redevelopment of the estate and I consider it reasonable that

the Council would seek to manage development in a coordinated way, particularly given the extensive lands in question. However, in my opinion, the simple fact that the Planning Authority are preparing an LAP carries limited weight in policy terms without supplementary policy provisions/instruments to reinforce the relevant objectives.

7.5.7. Section 34 (2)(a) of the Planning and Development Act 2000 (as amended), states that when making its decision in relation to an application, the planning authority shall be restricted to considering the proper planning and sustainable development of the area, having regard to

- i. the provisions of the development plan,
- ii. the provisions of any special amenity area order relating to the area,
- iii. any European site or other area prescribed for the purposes of section 10(2)(c),
- iv. where relevant, the policy of the Government, the Minister or any other Minister of the Government.

7.5.8. Indeed, in the absence of an LAP or a draft LAP as referred to in Section 18 of the Act, applications for permission must be decided in accordance with the provisions of Section 34 outlined above and the development plan that applies at the time a decision is made.

7.5.9. The CDP recognises the strategic importance and scale of the Dublin Industrial Estate and notes that the site has significant potential to provide high quality new housing and commercial development within the city and make a significant contribution towards the NPF targets for housing delivery on brownfield lands within urban areas. The CDP Core Strategy recognises that there are significant challenges in delivering development on these lands due to fragmented land ownership and the challenges of implementation as well as the need to provide relevant infrastructure. The Planning Authority recognise that it is likely that the regeneration of these lands will be a long term project and for that reason the CDP specifically recognises the need for an LAP.

7.5.10. Importantly, objective CSO1 (Feasibility Study and Local Statutory Plan for Z6 Zoned Lands at Glasnevin) of the CDP, states that it is an objective of Dublin City Council to prepare a feasibility study and a local statutory plan for the Z6 zoned lands at Glasnevin (Dublin Industrial Estate and environs, also now referred to as Baile Bogáin) in consultation with the relevant stakeholders, including an infrastructural audit with

costings and implementation strategy to enable sustainable regeneration and development. So, whilst the act of preparing a LAP carries limited weight in terms of decision making, in my opinion, objective CSO1 of the CDP provides the necessary supplementary policy provisions to secure the relevant objectives of the plan. As such, I consider that the proposed development would indeed be premature in the context of CSO1 of the CDP and that the proposal would lead to piecemeal development, lacking coherent integration with and impeding the future development potential of the surrounding area and adjacent sites.

7.5.11. The applicant considers that the development has been designed with regard for the development of the wider estate and submitted an indicative masterplan the planning application. Whilst I accept that an indicative masterplan has been submitted this is limited to splitting the wider estate into development parcels with indications for new routes and does not provide any detail on potential development capacities or prospective building heights.

7.5.12. Whilst I accept that many of these issues were beyond the scope of the applicant's individual project, it does emphasise that a plan led approach is required and that compliance with CSO1 is important in the context of the redevelopment of the estate. Regarding the layout proposed for the wider estate on the indicative masterplan, I note that some of the existing/proposed routes would be required to terminate at the appeal site as there would be no prospect of onward connection through the site due to the position of the proposed buildings, reinforcing my concern that in its current form, the development would impact on the future development potential of the estate and would fail to improve legibility and provide appropriate integration with any future development.

## **7.6. Transport**

7.6.1. The NTA's Transport Strategy for the Greater Dublin Area 2022 – 2042 provides a framework for the planning and delivery of transport infrastructure and services in the Greater Dublin Area (GDA) over the strategy period. Policy SMT22: Key Sustainable Transport Projects of the Dublin CDP reaffirms that the Council will support the expeditious delivery of key sustainable transport projects so as to provide an integrated public transport network with efficient interchange between transport

modes, serving the existing and future needs of the city and region. The Luas to Finglas extension is listed as one of the key transport projects.

- 7.6.2. Broombridge Luas Terminus is located to the south of the appeal site on the opposite side of the Royal Canal. The western boundary of the appeal site is marked by Broombridge Road which is part of the preferred route for the Luas Green Line extension to Finglas. The National Transport Authority are overseeing the preparation of material for the lodgement of a Railway Order for the Luas Finglas Project by Transport Infrastructure Ireland. The Railway Order Consultation was submitted to the Board in March 2023 (Reference NC29N.315939).
- 7.6.3. The proposed Luas extension is planned to commence at the existing Broombridge Luas terminus, travelling north via a new bridge crossing the Royal Canal and the Maynooth/Longford rail line. From there, it is planned that the line would proceed north along Broombridge Road to Ballyboggan Road, running the length of the western boundary of the appeal site. It is intended that the Luas route along Broombridge Road would be in the form of an elevated viaduct along the landscaped strip on the eastern side of Broombridge Road to the front of the proposed development and on land within the appeal site.
- 7.6.4. The NTA have raised several concerns with the proposed development, the primary issue being that insufficient information has been submitted with the application to give comfort that the development, if approved, would facilitate the Luas extension. Without full expression of the Luas project in all relevant materials submitted with the application, the NTA is of the view that a full assessment of the proposed development cannot be undertaken.
- 7.6.5. In terms of the submission information, an indicative route of the Luas extension is shown highlighted in purple on the proposed site plan and a potential Luas viaduct is shown on sectional drawing No. 3.1.110, however, no further details or substantive information appear to have been provided, including how the development would interface with the viaduct and any implications this would have for building facades or the street environment at the base of buildings.
- 7.6.6. The applicant states in the grounds of appeal that the proposal has shown due regard for the emerging preferred route for the future Luas Green Line extension and documentation has been provided to illustrate how this route option could be facilitated

along the western edge of the site. It is argued that the extent of regard shown for the Luas Green Line extension is commensurate with the extent of information currently available for this transport infrastructure project. The grounds of appeal question that it is necessary to achieve full integration with the development of the Luas infrastructure in advance of final design details for the infrastructure being available and instead an appropriately sized landbank being offset within the application site to accommodate this infrastructure could be provided.

7.6.7. I note that consultation did take place between the applicant and the NTA. The NTA have stated that this was based on the existing land uses and that consultation centred around maintaining access to the existing premises for the continued operation of the current on-site commercial activities. It is claimed by the NTA that they were not consulted by the applicant in advance of the lodgement of the planning application or notified during non-statutory consultation on Luas Finglas as to their intention to redevelop the site in the short-medium term. For this reason, the horizontal and vertical details of the Luas project have not been included in the main drawings and images submitted as part of this application.

7.6.8. Whilst I accept that there may be a lack of detailed information available to the applicant at this stage in terms of viaduct design, finalised alignment, maximum development extents etc, I would acknowledge the strategic importance of the Luas Finglas extension and the need to ensure that the ability to successfully deliver this key transport project is safeguarded. I note the applicant's view that an appropriately sized landbank could be provided and that a condition could be included requiring that the applicant liaise with the NTA to confirm that the extent of land allocated to accommodate Luas infrastructure is appropriate, and that should the extent of land allocated to accommodate Luas infrastructure be insufficient, then revised drawings could be submitted to the PA illustrating a revised site layout.

7.6.9. The alignment of the bridge over the canal has yet to be finalised and any deviation from the indicative alignment could have significant implications for the positioning of buildings within the appeal site. Depending on the sequencing of events post planning, this could impact on the ability to deliver the Luas extension. Whilst the principle of such a condition is broadly acceptable, it is my opinion that the strategic importance of the Luas extension is such that leaving these matters to a condition would not be

appropriate, particularly in the absence of any confirmatory comments from the NTA regarding an appropriate or minimum/maximum land reservation.

- 7.6.10. The Board should also be aware that the Luas extension has been designed around the vehicle and pedestrian movements associated with the existing land uses as this has formed the basis of the applicant's discussions with the NTA to date. Whilst I appreciate that the applicant has engaged with the NTA, it is clear that they have not engaged in specific reference to the proposed development, as consultation appears to have been based solely on the existing land uses and commercial operations. I would take the view that the scheme has not given appropriate or sufficient regard to the Luas extension or indeed enabled the NTA/TII to respond appropriately to the development proposals. In order to safeguard the delivery of the Luas extension and ensure the development potential of the appeal site is secured, a more collaborative approach to the Luas is required, with comprehensive information provided that shows the deliverability of this strategically important infrastructure alongside any proposed development.
- 7.6.11. I note that the NTA have raised additional concerns beyond the preferred route and alignment including concerns that the access would not be suitable for construction traffic and the basement could have implications for the viaduct foundations. On the matter of construction traffic, the appeal site benefits from a secondary vehicular access on Boyne Road and I am satisfied that conditions regarding construction management could effectively rule out conflict with the Luas. Having reviewed the maximum westward extent of the proposed basement, I am satisfied that the basements are located a sufficient distance from the site boundary and the indicative Luas route to ensure that there would be no impact.
- 7.6.12. The remaining issues identified by the Planning Authority with regards to parking, cycle parking and trip generation related to servicing and operation of the development are, in my opinion, acceptable. Cycle parking quantum is now policy compliant given the removal of the residential use and should the Board be minded to grant permission then car parking could be reduced by way of a condition. The trip generation figures presented in the Traffic and Transport Assessment are reasonable in my opinion, although I accept that they could be reduced by implementing a delivery consolidation scheme and this would be an option to consider, should the Board be minded to grant permission.

## **7.7. Design and Quantum of Development**

- 7.7.1. The proposal as originally submitted for permission was for four development blocks that ranged in height from two to 16 storeys, which equated to a height ranged from 6.7 metres to 54.7 metres. The amended scheme submitted as part of the appeal continues to be for four blocks with a height range of five to 12 storeys which would equate to 21.7 metres to 41.9 metres. The following assessment is based on the amended appeal scheme.
- 7.7.2. The Planning Authority raised serious concerns with regards to the design, scale and height of the proposed development blocks proposed for this site. The Planning Authority considered that the height and massing would be substantially greater than the established surrounding commercial and residential development and ultimately concluded that the development as proposed, would be seriously injurious to established development in the area by way of having an overbearing impact and being visually incongruous.
- 7.7.3. The applicant considers that the Planning Authority have not given due consideration to the prominence of the site and its gateway location. The grounds of appeal question the need to have regard to the established character of the area due to its impending redevelopment and consider that the surrounding area is lacking uniformity. As such, the applicant is unclear how the development would have an adverse impact on the architectural character of the area. It is further argued that the development would contribute significantly to the legibility of the area, that separation distances are sufficient to ensure no overbearing relationship, and that the blocks would not be overly dominant or monolithic.
- 7.7.4. Under the previous Dublin City Development Plan (2016-2022), the maximum allowable height for a building in this location was 24 metres. The Building Height Guidelines (2018) advise that it is inappropriate for a development plan to include generic height limits across its functional area. It is considered that this approach undermines wider national policy objectives to provide more compact forms of urban development. It is also considered that such blanket limitations can hinder architectural innovation and urban design.
- 7.7.5. The current Dublin City Development Plan 2022-2028 does not set prescribed height limits and notes that the key factors that will determine height will be the impact on



adjacent residential amenities, the proportions of the building in relation to the street, the creation of appropriate enclosure and surveillance, the provision of active ground floor uses, and a legible, permeable, and sustainable layout.

- 7.7.6. Table 3 of Appendix 3 of the CDP sets out the performance criteria for assessing proposals for enhanced height, density and scale. These criteria generally reflect the requirements of the Building Height Guidelines and include promoting development with a sense of place and character; providing appropriate legibility; to provide well connected, high quality and active public and communal spaces; and, to provide high quality, attractive and useable private spaces.
- 7.7.7. Section 3 of the Building Height Guidelines deals with the assessment of individual applications and appeals and states that there is a presumption in favour of buildings of increased height in city cores and urban locations with good public transport accessibility. It sets out broad principles and criteria for the assessment of proposals for buildings taller than prevailing heights in section 3.2 of the Guidelines, taking account of the wider strategic and national policy parameters.

*At the scale of the relevant city/town*

- 7.7.8. It is a requirement that the site is well served by public transport with high capacity, frequent service and good links to other modes of public transport. The site is located immediately adjacent to Broombridge Train Station and Luas Terminus, both located to the south on the opposite side of the Royal Canal, with a general walking distance of approximately 250 metres taking into account the bridge crossing. I am therefore satisfied that the site is appropriately located in terms of public transport and connectivity.
- 7.7.9. The Guidelines require that developments should successfully integrate into/ enhance the character and public realm of the area, having regard to topography, its cultural context, setting of key landmarks, and the protection of key views. There are no key landmarks or views within or around the appeal site. The applicant has submitted a Verified Views Montage that presents views of the proposed development from selected vantage points throughout the surrounding area. Of particular interest are views VVM5 and VVM6 which are taken from within the housing estate to the south of the site. These views demonstrate that the development would be visible in some instances above the roofs of the existing houses. However, I do not consider the

visibility of the development from within an established neighbourhood and built up location to be inherently harmful.

- 7.7.10. VVM8 and VVM9 present views of the development from within Tolka Valley Park. The views demonstrate that the scheme would be highly visible, particularly in VVM9. However, in my opinion it is not necessarily the height that significantly intrudes on the view, but rather the massing in combination with the height. This is particularly evident in VVM9 where the development appears as a very dominant feature in the foreground.
- 7.7.11. On larger urban redevelopment sites, proposed developments should make a positive contribution to place-making, incorporating new streets and public spaces, using massing and height to achieve the required densities but with sufficient variety in scale and form to respond to the scale of adjoining developments and create visual interest in the streetscape. With the exception of the southern façade of Block B which rises to five storeys and the tallest building at Block D which rises to 12 storeys, the remainder of the buildings would be eight to ten storeys in height. I accept that the development would provide new streets and public spaces. However, I would completely disagree that there is sufficient variety in scale and form to successfully respond to these spaces given the scale and form of the proposed buildings.
- 7.7.12. The central pedestrian street runs in a southwest to northeast orientation, linking Broombridge Road to Boyne Road for pedestrians only. Of note is the fact that this street would be covered with an arched roof and open to the public at all hours. No details or supplementary information has been provided on how this space would be effectively managed and I would have serious concerns regarding the potential for anti-social behaviour, particularly in the evenings when the retail units lining this street would be closed and the offices would be minimally occupied.
- 7.7.13. The general height of buildings around the site edges is ten storeys and heights only reduce centrally within the site. I therefore consider that that the development fails to provide a suitable variety in scale and that this would fail to respond not only to the existing surrounding development, but it would fail to give consideration to the future development potential of the adjacent sites.

*At the scale of the district/neighbourhood/street*

- 7.7.14. The existing buildings throughout the wider industrial estate are generally single or two storeys in height, and the existing homes located to the south across the Royal Canal are also generally two storeys in height. The proposed development would therefore be significantly taller than the prevailing heights in the area. In many respects, I consider the site to be entirely appropriate for buildings of increased height, including a tall building adjacent to the Royal Canal/Broombridge Road where it would act as a marker for the public transport interchange. However, in assessing the appropriateness of height, one also has to consider the overall scale, massing and the positioning of buildings.
- 7.7.15. Block A is a linear building rising to ten storeys along its full length of approximately 70 metres, and this forms the western boundary of the site. Block B is a C shaped block that ranges in height from five to ten storeys. The northern façade of Block B, which also marks the northern boundary of the appeal site, rises to ten storeys over its entire 70 metre length. Block C is a long linear block that extends from the central street through the site, down the eastern boundary of the site, and then along the southern boundary of the site adjacent to the Royal Canal. Whilst this block would be eight storeys adjacent to the central internal street, it would rise to ten storeys in height for the full 102 metre length of the eastern boundary and then step down to nine storeys for the 50 metre length of the boundary along the Royal Canal.
- 7.7.16. As indicated previously, I have no objection to the principle of taller buildings on this site, however, the combined scale, height and massing of the proposed buildings is excessive and would not make a positive contribution to the neighbourhood or streetscape. In my opinion, the proposed buildings are monolithic in appearance and would present a relentless form of development, particularly along the site edges. The design of the individual blocks is in many respects repetitive and indistinctive, even down to the material palette and in my opinion, this would serve only to increase the perception of excessive scale, massing and bulk as well as the general overbearing nature of the development.
- 7.7.17. I consider that the length of the buildings along the site boundaries would fail to provide a legible form of development and would have significant implications for the future development of the adjacent sites, with limited opportunities for integration and connectivity.

*At the scale of the site/building*

- 7.7.18. The Guidelines require that the form, massing and height of proposed developments should be carefully modulated so as to maximise access to natural daylight, ventilation, views, and minimise overshadowing and loss of light. As set out above, the height, scale and massing of the proposed development is considered to be excessive. Heights have not been appropriately modulated across the site and this is borne out in the Daylight and Sunlight Assessment that confirms that large expanses of public and communal open space would not comply with the BRE sunlight requirements.
- 7.7.19. I consider that the public realm within the proposed development would not be provided to an appropriately high standard of quality, amenity, safety and comfort. Many of the external spaces are overshadowed due to the excessive scale and enclosure of the surrounding buildings and the public space opening onto the Royal Canal is an excessively hard landscaped space lacking in visual interest or animation. This is further compounded by the lack of active uses opening onto this space, particularly in the context of the ground floor of Block D which is generally lined with backroom/support spaces along its southern edge.

*Plot Ratio*

- 7.7.20. The Planning Authority consider that the proposal would represent overdevelopment. I note that the plot ratio of the amended appeal scheme would be 3.2, which is a reduction from the plot ratio of 3.75 as submitted for planning. Site coverage would be 31% which is also reduced from 34% when originally submitted. Whilst I acknowledge that the plot ratio is above the indicative range, I do not consider that this alone indicates overdevelopment, however, the design and massing issues identified above are such that I would conclude that the scheme is an overdevelopment of the appeal site.

*Conclusions on Height*

- 7.7.21. With regard to building height, I am of the view that whilst the principle of increased building height is entirely acceptable at this location, I am not satisfied that the criteria for taller buildings in Section 3.2 of the Building Height Guidelines are comprehensively met. The buildings are excessive in their scale and massing with height poorly positioned in long linear blocks that line the site boundaries with the only real variation in height taking place centrally within the site. This would result in an

overbearing and monolithic form of development that would have significant implications for the development of adjacent sites by hindering integration, legibility, and the ability to provide a coherent future layout.

## **7.8. Residential Quality**

- 7.8.1. Reason for refusal no. 5 of the Council's decision relates to the quality of residential accommodation and concerns regarding the number of single aspect north facing units, poor quality private, communal and public amenity spaces, and the failure of a number of units to reach minimum daylight target standards.
- 7.8.2. Whilst I share the concerns of the Planning Authority on these matters, the applicant has submitted an amended scheme as part of the appeal which removes the residential use. On that basis reason for refusal no. 5 would no longer apply.

## **7.9. Other Matters**

- 7.9.1. Additional issues raised by the Planning Authority regarding biodiversity and field surveys are matters that I consider could be dealt with appropriately by way of additional information/conditions, should the Board be minded to grant permission.

## **7.10. Appropriate Assessment**

- 7.10.1. Article 6(3) of the Habitats Directive requires that any plan or project not directly connected with or necessary to the management of a European site, but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to Appropriate Assessment of its implications for the sites in view of the sites' Conservation Objectives. The Board is the competent authority in this regard and must be satisfied that the development in question would not adversely affect the integrity of the European sites having regard to their conservation objectives.
- 7.10.2. The applicant has submitted an Appropriate Assessment Screening Report (12<sup>th</sup> September 2022). This report considers the closest European sites to the appeal site (within a 15km radius) and evaluates and screens the proposed development to assess if full Appropriate Assessment is required. This assessment examines the implications of proceeding with the project in view of the conservation objectives for the protected habitats.
- 7.10.3. The applicant's AA Screening Report concludes that the project would have no direct or measurable indirect impacts on any European sites in close proximity to the appeal

site and that no significant impacts of the qualifying interests of any SPA or SAC is likely. Having reviewed the AA Screening Report, I am satisfied that the information allows for a complete examination and identification of any potential significant effects of the development, alone, or in combination with other plans and projects on European Sites. The project is not directly connected with or necessary to the management of a European Site and therefore it needs to be determined if the development is likely to have significant effects.

7.10.4. The proposed development is not located within or immediately adjacent to any European site. The nearest European sites are the South Dublin Bay and River Tolka Estuary SPA (004024), South Dublin Bay SAC (000210), North Dublin Bay SAC (000206), and the North Bull Island SPA (004006). Whilst there are other European sites within a 15km radius of the appeal site, I do not consider that they fall within the zone of influence of the project, having regard to the nature and scale of the development, the distance from the development site, and the lack of an obvious pathway from the development site.

7.10.5. There are no watercourses running through the site although it is noted that the Royal Canal pNHA is located immediately along the southern boundary of the site and as such there is a potential hydrological connection to the European sites of Dublin Bay. It is noted that the development would connect to public services and therefore, there is an indirect pathway to a number of European sites via the Ringsend Waste Water Treatment Plant. I therefore acknowledge that there are potential connections to the European sites within Dublin Bay via the Royal Canal, the wider drainage network and the Ringsend WWTP. However, the existence of these potential pathways does not necessarily mean that potential significant effects will arise.

7.10.6. In terms of potential effects, habitat loss and fragmentation would not arise given the location and nature of the site. Given the site characteristics in terms of location and scale of development, I consider that surface water drainage and wastewater generation should be considered for examination in terms of implications for likely significant effects on European sites.

7.10.7. I note that surface water and foul water would discharge to the combined sewer for onward treatment at the Ringsend WWTP, although the increased loading would be minor in context. The proposal would not generate significant demands on the existing

municipal sewers for foul water. Whilst this project would marginally add to the loadings to the sewer, evidence shows that negative effects to European sites are not arising. Phased upgrade works to the Ringsend WWTP extension have commenced and the facility is currently operating under the EPA licencing regime that is subject to separate AA Screening. Despite its proximity, there are no hydrological connections to the Royal Canal and levels/boundary treatments are such that surface water within the site would flow away from the canal.

7.10.8. Therefore, having regard to the location, nature and scale of the development, the dilution capacity of Dublin Bay and the insignificant additional loading on the Ringsend WWTP, I am satisfied that there is no potential for the development to result in significant effects on the Dublin Bay European sites, either on its own or in combination with other developments.

7.10.9. The proposed development was considered in light of the requirements of section 177U of the Act of 2000. Having carried out screening for AA of the project, it has been concluded that the project individually or in combination with other plans or projects, would not have a significant effect on European sites, including (but not limited to) European Site No. 004024 (South Dublin Bay and River Tolka Estuary SPA), European Site No. 004006 (North Bull Island SPA), European Site No. 000206 (North Dublin Bay SAC) and European Site No. 000210 (South Dublin Bay SAC) in view of the sites' Conservation Objectives, and Appropriate Assessment is not, therefore, required.

## **8.0 Recommendation**

8.1. From my assessment above, I consider that the Board should uphold the decision of Dublin City Council and refuse planning permission for the proposed development based on the reasons set out below.

## **9.0 Reasons and Considerations**

1. Having regard to the Preferred Route for the extension to the Luas Green Line, it is considered that the development would be premature pending the finalisation of the design for the Luas extension and bridge/viaduct alignment. In the absence sufficient and appropriate information regarding the interaction

between the Luas extension, route alignment and the proposal, it is considered that the development would fail to safeguard the delivery of the extension of the Luas Green Line (Broombridge – Finglas) and would be contrary to SMT22 of the Dublin City Development Plan 2022-2028 and would be contrary to the proper planning and sustainable development of the area.

2. The proposed development is considered to be premature pending the preparation of a feasibility study and a local statutory plan for the Dublin Industrial Estate as required by objective CSO1 (Feasibility Study and Local Statutory Plan for Z6 Zoned Lands at Glasnevin) of the Dublin City Development Plan 2022-2028. The proposed development would, if granted, lead to piecemeal and fragmented development, lacking coherent integration with and impeding the future development potential of the surrounding area and adjacent sites and would be contrary to the proper planning and orderly sustainable development of the area.
3. The proposed development, by reason of a combination of the excessive height, bulk, massing and length of the proposed buildings, would lead to the overdevelopment of the site and an overly dominant, overbearing, incongruous, and monolithic form of development that would have a significant detrimental impact on visual amenity and would fail to successfully integrate into the existing surrounding area and public realm. The proposal would result in an illegible form of development that would have significant implications for the successful future redevelopment of adjacent sites in terms of integration, connectivity and providing a coherent urban form. The development would therefore fail to comply with the Urban Development and Building Heights Guidelines for Planning Authorities (December 2018) and would be contrary to the proper planning and sustainable development of the area.

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



---

Terence McLellan  
Senior Planning Inspector

12<sup>th</sup> December 2023

## Appendix 1 - Form 1

### EIA Pre-Screening

[EIAR not submitted]

|   |   |  |                                  |
|---|---|--|----------------------------------|
| <b>An Bord Pleanála<br/>Case Reference</b>  | ABP-315286-22   |  |                                  |
| <b>Proposed Development<br/>Summary</b>   | Demolition of warehouse / factory / office buildings and removal of vehicular entrance. Construction of mixed use development comprising of 14 retail units, hotel, creche, office, 304 residential units, restaurant, bar, recreational areas and associated site works. |  |                                  |
| <b>Development Address</b>  | Lands at Broombridge Industrial Estate and Dublin Industrial Estate bounded by Broombridge Road, Royal Canal and Royal Canal Way, Dublin 11.  |  |                                  |
| <b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b><br><small>(that is involving construction works, demolition, or interventions in the natural surroundings)</small>                         | <b>Yes</b>  | X  |                                  |
|   | <b>No</b>   | No further action required                             |                                  |
| <b>2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) or does it equal or exceed any relevant quantity, area or limit where specified for that class?</b>    |   |  |                                  |
| <b>Yes</b>  |   |  | EIA Mandatory EIAR required      |
| <b>No</b>   | X   |  | Proceed to Q.3                   |
| <b>3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?</b> |   |  |                                  |
|   |   | <b>Threshold</b>                                       | <b>Comment<br/>(if relevant)</b> |
| <b>No</b>   |   | N/A  |                                  |
| <b>Yes</b>  | X   | 10(b)(i)(iv) - Infrastructure Projects.<br>Thresholds: | Proceed to Q.4                   |

|  |  |                               |  |  |
|--|--|-------------------------------|--|--|
|  |  | > 500 homes<br>> 10 hectares. |  |  |
|--|--|-------------------------------|--|--|

| 4. Has Schedule 7A information been submitted? |   |                                  |
|--|---|----------------------------------|
| No   |   | Preliminary Examination required |
| Yes  | X | Screening Determination required |

Inspector: \_\_\_\_\_

Date: \_\_\_\_\_

## Appendix 2 – EIA Screening Determination

| A. CASE DETAILS   |   |  |
|---|---|--|
| <b>An Bord Pleanála Case Reference</b>  | ABP-315286-22   |  |
| <b>Development Summary</b>  | Demolition of warehouse / factory / office buildings and removal of vehicular entrance. Construction of mixed use development comprising of 14 retail units, hotel, creche, office, 304 residential units, restaurant, bar, recreational areas and associated site works. |  |
|   | Yes / No /<br>N/A   |  |
| <b>1. Was a Screening Determination carried out by the PA?</b>  | Yes   | On the basis of the information submitted on the file, which the Planning Authority considered adequate in order to issue a screening determination, the Planning Authority consider it is reasonable to conclude that there is no real likelihood of significant effects on the environment arising from the proposed development and an environmental impact assessment is not required. |
| <b>2. Is an IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?</b> | No  |  |
| <b>3. Has Schedule 7A information been submitted?</b>   | Yes   | The applicant has submitted Schedule 7A information in the Environmental Impact Assessment Screening Report (September 2022).  |
| <b>4. Has an AA screening report or NIS been submitted?</b>   | Yes   | An Appropriate Assessment Screening Report was submitted with the application.   |

|   |  |  |  |
|---|--|--|--|
| 5. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA | Yes  | SEA and AA were undertaken in respect of the Dublin City Development Plan 2022-2028.   |  |
| <b>B. EXAMINATION</b>   |  | <p><b>Where relevant, briefly describe the characteristics of impacts ( ie the nature and extent) and any Mitigation Measures proposed to avoid or prevent a significant effect</b></p> <p>(having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact)</p> | <p><b>Is this likely to result in significant effects on the environment?</b></p> <p><b>Yes/ No/ Uncertain</b></p> |
| <b>1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)</b>   |  |  |  |
| 1.1 Is the project significantly different in character or scale to the existing surrounding or environment?  | The proposal would introduce new uses such as retail, hotel and residential to what is otherwise an industrial area. However, there are elements of retail within the wider estate and there are existing dwellings to the south so the range of uses proposed are not significantly different in character to those of the existing surrounding environment. In terms of scale the majority of the existing and surrounding buildings are single or two storey in height. The proposed development would range from 2 to 16 storeys and as such would be significantly different to the existing surrounding area. However, height and the scale of the buildings alone are not considered likely to generate significant effects on the environment. |  | <b>No</b>  |

|   |  |                  |
|---|--|------------------|
| <p><b>1.2</b> Will construction, operation, decommissioning or demolition works causing physical changes to the locality (topography, land use, waterbodies)?</p>   | <p>The site is brownfield in nature and as such the development would result in minimal change in the locality, with standard measures to address potential impacts on surface water and groundwaters in the locality. No significant topographical issues are evident. The proposed land uses are not considered to be out of character with the pattern of development in the surrounding urban area.</p>  | <p><b>No</b></p> |
| <p><b>1.3</b> Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?</p> | <p>Construction materials will be typical for an urban development of this nature and scale. There would be no significant loss of natural resources or local biodiversity as a result of the development.</p>   | <p><b>No</b></p> |
| <p><b>1.4</b> Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?</p>  | <p>Construction activities will require the use of potentially harmful materials, such as fuels and other such substances which are typical for construction sites. Any impacts would be local and temporary in nature and the implementation of the standard construction practice measures outlined in the Construction Management Plan and Operational Waste Management Plan would satisfactorily mitigate potential impacts. No operational impacts in this regard are anticipated.</p>  | <p><b>No</b></p> |
| <p><b>1.5</b> Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?</p>   | <p>Construction activities will require the use of potentially harmful materials, such as fuels and other similar substances and give rise to waste for disposal. The use of these materials would be typical for construction sites. Noise and dust emissions during construction are likely. Such construction impacts would be local and temporary in nature, and with the implementation of the standard measures outlined in the Construction Environmental Management Plan would satisfactorily mitigate the potential impacts. Operational waste would be managed through an Outline Resource and</p> | <p><b>No</b></p> |

|   |  |           |
|---|--|-----------|
|   | Waste Management Plan. Other operational impacts in this regard are not anticipated to be significant.   |           |
| <b>1.6</b> Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea? | Operation of the standard measures listed in the Construction Environmental Management Plan will satisfactorily mitigate emissions from spillages during construction and operation. The operational development will connect to mains services and discharge surface waters only after passing through fuel interceptors (which would be a conditioned requirement) and SUDS. Surface water drainage will be separate to foul services within the site as required by Dublin City Council.  | <b>No</b> |
| <b>1.7</b> Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?   | There is potential for construction activity to give rise to noise and vibration emissions. Such emissions will be localised and short term in nature, and their impacts would be suitably mitigated by the operation of standard noise and vibration measures listed in the Construction Environmental Management Plan as well as adherence to noise and vibration conditions, hours of work conditions and established standards, which would serve to mitigate any potential impacts.   | <b>No</b> |
| <b>1.8</b> Will there be any risks to human health, for example due to water contamination or air pollution?  | Demolition and construction activity is likely to give rise to some dust emissions in addition to potential emissions of small quantities of wastewater, chemical or hazardous substance residues being handled on site by site workers. However, this would be managed by appropriate risk management measures and Standard operating Procedures. Such construction impacts would be temporary and localised in nature and the application of standard measures within the Construction Environmental Management Plan would satisfactorily address potential risks on human health, including dust monitoring, suppression, and abatement. No | <b>No</b> |

|   |   |           |
|---|---|-----------|
|   | significant operational impacts are anticipated for the piped water supplies in the area.   |           |
| <b>1.9</b> Will there be any risk of major accidents that could affect human health or the environment?   | No significant risk is predicted having regard to the nature and scale of the development. Any risk arising from demolition and construction will be localised and temporary in nature. The site is not at risk of flooding.  | <b>No</b> |
| <b>1.10</b> Will the project affect the social environment (population, employment)   | Development of this site would result in an increase in the population of workers in this area. The development would provide increased employment floorspace.  | <b>No</b> |
| <b>1.11</b> Is the project part of a wider large scale change that could result in cumulative effects on the environment?   | <b>No</b>   | <b>No</b> |
| <b>2. Location of proposed development</b>  |   |           |
| <b>2.1</b> Is the proposed development located on, in, adjoining or have the potential to impact on any of the following:<br>a) European site (SAC/ SPA/ pSAC/ pSPA)<br>b) NHA/ pNHA<br>c) Designated Nature Reserve<br>d) Designated refuge for flora or fauna<br>e) Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan | The nearest European sites are the South Dublin Bay SAC (000210) and South Dublin Bay and River Tolka Estuary SPA (004024) both to the south east, the North Bull Island SPA (004006) and the North Dublin Bay SAC (000206), both to the north East. The Royal Canal pNHA (002103) is located immediately on the southern boundary of the site. The proposed development would not result in significant impacts to any protected sites, including those downstream.<br><br>There are no conservation sites located in the vicinity of the site. There is a potential pathway to sites in the inner section of Dublin Bay due to surface and foul discharges from the site that drain to the River Liffey. The proposed development will not result in significant impacts to any of these sites. | <b>No</b> |
| <b>2.2</b> Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for  | The proposed development would not result in significant impacts to protected, important or sensitive species. An Ecological impact Assessment has been submitted.  | <b>No</b> |



|   |   |           |
|---|---|-----------|
| breeding, nesting, foraging, resting, over-wintering, or migration, be significantly affected by the project?   |   |           |
| <b>2.3</b> Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?  | There are no recorded monuments or archaeological sites within the proposed development site. Broome Bridge (Reg. 50060126) is listed as on the inventory of Architectural Heritage and sits close to but outside of the boundary of the application site.  | <b>No</b> |
| <b>2.4</b> Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals? | No such features are in this urban location, with the site separated from agricultural areas by intervening urban lands and road infrastructure.  | <b>No</b> |
| <b>2.5</b> Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?      | The development will implement SUDS measures to control surface water run-off. The development would not increase risk of flooding to downstream areas with surface water to discharge at greenfield runoff rates. The Royal Canal is on the southern boundary of the site, however, levels are such that surface water would flow away from the canal rather than to it. Discharge to the canal from surface water is unlikely to occur. | <b>No</b> |
| <b>2.6</b> Is the location susceptible to subsidence, landslides or erosion?  | <b>No</b>   | <b>No</b> |
| <b>2.7</b> Are there any key transport routes(eg National primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?           | The site is served by a local road network. There are sustainable transport options available for future employees. No significant contribution to traffic congestion is anticipated to arise from the proposed development.  | <b>No</b> |
| <b>2.8</b> Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be significantly affected by the project?  | No negative impact anticipated as a result of the proposal.   | <b>No</b> |

**3. Any other factors that should be considered which could lead to environmental impacts**

|   |   |           |
|---|---|-----------|
| <b>3.1 Cumulative Effects:</b> Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase? | No existing or permitted developments have been identified in the immediate vicinity that would give rise to significant cumulative environmental effects with the subject project. | <b>No</b> |
| <b>3.2 Transboundary Effects:</b> Is the project likely to lead to transboundary effects?   | No transboundary issues arise.  | <b>No</b> |
| <b>3.3</b> Are there any other relevant considerations?   | <b>No</b>   | <b>No</b> |

**C. CONCLUSION**

|  |               |   |                          |
|--|---------------|---|--------------------------|
| <b>No real likelihood of significant effects on the environment.</b> | <b>Agreed</b> | <input checked="" type="checkbox"/> Yes | <b>EIAR Not Required</b> |
| <b>Real likelihood of significant effects on the environment.</b>    |               | <input type="checkbox"/>                |                          |

**D. MAIN REASONS AND CONSIDERATIONS**

Having regard to

- The nature and scale of the proposed development, which is below the threshold in respect of classes 10(b)(i)(iv) and 14 of Part 2 to Schedule 5 of the Planning and Development Regulations 2001-2022;
- The location of the proposed office development on lands zoned Z6 'Employment/ Enterprise' with an objective "to provide for the creation and protection of enterprise and facilitate opportunities for employment creation"; and the results of the Strategic Environmental Assessment of the Development Plan;
- The nature of the existing site and the pattern of development in the surrounding area;
- The availability of mains water and wastewater services to serve the proposed development;
- The location of the development outside of any sensitive location specified in Article 109(4)(a)(v)(I-VII) of the Planning and Development Regulations 2001, as revised;
- The guidance set out in the 'Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development', issued by the Department of the Environment, Heritage and Local Government (2003);

- The criteria set out in Schedule 7 of the Planning and Development Regulations 2001, as revised, and;
- The features and measures proposed by the applicant that are envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified to be provided as part of the Outline Construction Management Plan, Outline Resource and Waste Management Plan, Engineering Services Report, Planning Stage Acoustic, and Site Specific Flood Risk Assessment. It is considered that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an Environmental Impact Assessment Report would not, therefore, be required.

Inspector

\_\_\_\_\_

Date

\_\_\_\_\_