



An  
Bord  
Pleanála

## Inspector's Report ABP-315709-23

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<b>Development</b>	971 no. apartments and associated site works.
<b>Location</b>	Lands at Site A (White Car Park), Blanchardstown Town Centre, Coolmine, Dublin 15.
<b>Planning Authority</b>	Fingal County Council
<b>Planning Authority Reg. Ref.</b>	LRD0001/S3
<b>Applicant</b>	Blanche Retail Nominee Limited
<b>Type of Application</b>	Large-Scale Residential Development
<b>Planning Authority Decision</b>	Grant Permission with Conditions
<b>Type of Appeal</b>	First Party vs. Conditions Third Parties vs. Grant
<b>Appellants</b>	<ol style="list-style-type: none"><li>1. Blanche Retail Nominee Limited</li><li>2. Lifestyle Sports (Ireland) Limited</li><li>3. TK Maxx</li><li>4. Harvey Norman &amp; Others</li><li>5. Smyths Toys Superstores</li></ol>

6. Mark Price, c/o Whitestown  
Residents & Others
7. John Walsh
8. Woodie's DIY Ltd., Support Office
9. Briarwood, Huntstown Lawn  
Residents Association

**Observers**

1. Glen Conroy
2. Tania Doyle
3. Frances and David McClelland
4. Patricia McGreevey
5. Paul Donnelly
6. An Taisce

**Date of Site Inspection**

17th April 2023

**Inspector**

Stephen Ward

## Contents

1.0 Site Location and Description .....	4
2.0 Proposed Development .....	4
3.0 Planning Authority Pre-Application Opinion .....	10
4.0 Planning Authority Decision .....	<b>Error! Bookmark not defined.</b>
5.0 Planning History.....	15
6.0 Policy Context.....	16
7.0 The Appeals .....	24
8.0 Assessment.....	41
9.0 Environmental Impact Assessment.....	94
10.0 Appropriate Assessment Screening .....	112
11.0 Recommendation .....	119
12.0 Recommended Draft Board Order .....	119

## 1.0 Site Location and Description

- 1.1. The subject site has a stated area of 6.62 hectares and is located within Blanchardstown Town Centre, approximately 10km north-west of Dublin city centre and c. 1km northwest of the village of Blanchardstown. The N3 National Primary Road runs approximately 200 metres to the east of the site, while the M50 Motorway is approximately 2.5km to the southeast.
- 1.2. The site is at the northern end of the Town Centre and mainly comprises a majority portion of the existing surface car park (known as the White Car Park) for Retail Park 2. It also includes sections of the surrounding road network, including roundabouts, verges, and footpaths. The site is bound by Blanchardstown Road South to the northwest, along with residential development beyond to the north and west. To the north and northeast is Retail Park 2 and existing surface parking within the White Car Park. To the south and east of the site are internal roads and the wider Town Centre retail units beyond. Further south of the site is Millennium Park, which is a regional-level park extending over 24 hectares.
- 1.3. The site itself is largely level and does not contain watercourses or any other notable features. It mainly comprises surface car-parking and roads, interspersed by urban landscaping such as tree planting, grass verges etc.

## 2.0 Proposed Development

- 2.1. The development involves the construction of 971 apartments and associated community/commercial units in 8 no. blocks. The housing mix is proposed as follows:

Apartment Type	No. of Units	Percentage of Units
Studio	117	12.04
1 bed	368	37.89
2 bed	422 (76 no. 3-person, 344 no. 4-person, 2 no. 2-level units)	43.46 (7.8% 3-person)
3 bed	64	6.59
<b>Total</b>	<b>971</b>	<b>100</b>

2.2. The development has a height ranging from 1-16 storeys over basement level. The development is arranged within 8 blocks with building heights as follows:

<b>Block</b>	<b>Building Height (Storeys)</b>	<b>No. of Apartments</b>
<b>A</b>	1-16	246
<b>B</b>	6-12	101
<b>C</b>	6-8	38
<b>D</b>	11-14	76
<b>E</b>	5-11	204
<b>F</b>	1-8	114
<b>G</b>	5-12	192
<b>Mobility Hub</b>	7	0
<b>Totals</b>	1-16	971

2.3. A ten-year planning permission is sought. In addition to the proposed apartments, the following is proposed:

- 7 no. commercial units (for Class 1- Shop, or Class 2- Office / Professional Services, or Class 11 Gym, or Restaurant / Café use, including ancillary takeaway use) in Blocks A, C, G and the Mobility Hub,
- 1 no. Community Facility and 1 no. Place of Worship in the Mobility Hub,
- 1 no. Childcare Facility in Block A,
- External roof terraces in Blocks A, B, C, E, F, G
- Residential amenity space is provided at ground floor level of Blocks A, B, D, E and F, 12th floor level of Block A, and 11th floor level of Block D and Block G,
- Mobility Hub with seven no. levels, with a total of 546 no. car parking spaces, 3 no. commercial units, 1 no. place of worship, 1 no. community facility and ancillary sustainable transport facilities at ground floor level, including visitor cycle parking, and an access core and a roof garden area (for commercial use) at the split roof level,

- 487 no. car parking spaces for the residential units are provided in the basement level (below Blocks A, B, C, E, F and G),
- Secure cycle parking spaces are provided at basement and ground floor level of Blocks E and F to serve the residential units,
- Provision of telecommunications infrastructure at roof level of Block D,
- Road, pedestrian and cycle upgrades and associated alterations to the road infrastructure within the application site boundary,
- New access road junction from Blanchardstown Road South and an associated internal road,
- Reconfiguration and alterations to the retained existing surface retail car parking spaces,
- An access and set down area is proposed off Road G,
- A two-way cycle lane is proposed linking Blanchardstown Road South to the proposed development, the Mobility Hub, and Road E to the east,
- Provision of a relocated pedestrian crossing on Road G,
- Public open space, communal open space, landscaping, and public realm improvements,
- 4 no. ESB substations and associated switch rooms, bin stores, plant rooms, green roofs, and PV panels at roof level,
- Associated site and infrastructural works to include site clearance and excavation.

2.4. The key figures relating to the proposed development are summarised in the following table.

**Key Figures for the Proposed Development**

<b>Site Area (red line boundary)</b>	6.62 ha
<b>Net Residential &amp; Commercial Development Area</b>	3.749 ha (includes Blocks A/B/C/D/E/F/G + Mobility Hub).
<b>Net Residential Development Area</b>	3.2632 ha (includes Blocks A/B/C/D/E/F/G)

<b>No. of apartments</b>	971 units
<b>Non-residential Uses</b>	<p>Childcare Facility (Block A) – 548 sq.m</p> <p>Community Facility – 81.6 sq.m</p> <p>Place of Worship – 347.1 sq.m</p> <p>7 no. Commercial Units (within Blocks A, C, G, and the Mobility Hub) – 1,283.4 sq.m</p> <p>Mobility Hub (excluding commercial units) –</p> <ul style="list-style-type: none"> <li>• Commercial Car Park - 14,861.3 sq.m</li> <li>• Ancillary Sustainable Mode Transport Facility – 638.9 sq.m</li> <li>• Roof Garden space - 2,593.5 sq.m</li> </ul> <p>Internal residential amenity space – 1,439 sq.m</p>
<b>Gross Floor Area</b>	120,407 m <sup>2</sup>
<b>Residential Density</b>	971 / 3.2ha = 303.4 uph
<b>Plot Ratio</b>	<p>1. For residential &amp; other uses – 120,407m<sup>2</sup> / 3.749ha = 3.2</p> <p>2. For residential only - 101,030m<sup>2</sup> / 3.2632ha = 3</p>
<b>Site Coverage</b>	13,942.5m <sup>2</sup> / 3.749ha = 37%
<b>Height</b>	1-16 storeys
<b>Dual Aspect</b>	47% of residential units
<b>Commercial Car Parking</b>	<p>Existing retail surface spaces – 1,817</p> <p>Retained surface spaces – 770</p> <p>Mobility Hub provision – 546</p> <p>Total proposed spaces – 1,292 (excluding 14 no. childcare spaces and 10 no. GoCar spaces).</p> <p>Total reduction/loss of retail spaces - 525</p>

<b>Residential Car Parking</b>	487 spaces at basement level, including 49 no. EV spaces and 24 no. disabled spaces.
<b>Bicycle parking</b>	2,008 residential spaces (1,522 for residents and 486 for visitors). The Mobility Hub includes an addition 252 no. spaces for bikes and e-mobility etc.
<b>Communal Amenity Space</b>	Surface level (4,121m <sup>2</sup> ) External terraces (2,692m <sup>2</sup> ) Total (6,813m <sup>2</sup> )
<b>Public Open Space</b>	Public open space (2,583 sq.m) Public Realm Improvements (6,198 sq.m) Total (8,781 sq.m)
<b>Part V</b>	97 units within the scheme.

2.5. In addition to the standard plans and particulars, the application is accompanied by the following documents and reports:

- Environmental Impact Assessment Report (EIAR)
- Appropriate Assessment Screening Report
- Photomontages Brochure
- Outline Operational Waste Management Plan
- Construction Environmental Management Plan
- Outline Construction and Demolition Waste Management Plan
- Statement of Response to LRD Opinion
- Planning Report and Statement of Consistency
- Social and Community Infrastructure Audit / Assessment
- Architectural Design Statement and LRD Opinion Response
- Residential Amenity Statement
- Draft Urban Framework Plan for Blanchardstown Town Centre



- Urban Development Statement
- Building Heights Statement
- Infrastructure Design Report
- Building Life Cycle Report
- Site Specific Flood Risk Assessment
- Traffic and Transport Assessment including DMURS Statement
- Residential Travel Plan
- Transport / Engineering Statement of Response to LRD Opinion, and Car Parking Management Strategy
- Access, Cycle Parking and Mobility Strategy
- Public Transport Capacity Assessment
- Stage 2 Road Safety Audit
- Daylight & Sunlight Assessment Report and Daylight and Sunlight Impact on Neighbouring Properties Report
- Glint and Glare Study
- Mechanical and Electrical Utility Report
- Energy Statement
- External Lighting Report
- Telecommunications Report
- Tree Report
- Landscape Design Statement
- Landscape Management and Maintenance Plan
- Schedule of Accommodation and Housing Quality Assessment
- Part V package
- Phasing Report.

### **3.0 Planning Authority Pre-Application Opinion**

- 3.1. The proposals for the subject site have been subject to a Section 247 meeting with the Planning Authority on the 8th of March 2022. A pre-application LRD meeting under Section 32C of the Planning and Development Act 2000 (as amended) took place on 28<sup>th</sup> June 2022 between the representatives of the applicant and the planning authority.
- 3.2. A Large-Scale Residential Development (LRD) Opinion was issued under Section 32D of the Act on the 25th of July 2022. This Opinion concluded that the documents submitted require further consideration and amendment to constitute a reasonable basis for an application for a Large-Scale Residential Development. In summary, the outstanding issues were listed by the planning authority as follows:
1. Phasing: Proposals to address the delivery of physical and social infrastructure, including junction upgrades, connections to Millennium Park, children's facilities, community facilities, and Bus Connects.
  2. Architectural Design: Further consideration of the architectural expression of the scheme is required, including the use of colour, roofscapes, landmark buildings, the integration of Block D, the provision of own-door units, active street frontage, creche access, and other matters.
  3. Public Transport: Further details of existing and future capacity.
  4. Part V: Revised proposals to include improved distribution, mix, and adaptability of units.
- 3.3. Pursuant to Article 16A (7) of the Planning and Development Regulations 2001 (as amended), the applicant was notified that in addition to the requirements as specified in Articles 20A, 22 and 23, the following information (in summary) should be submitted with any application for permission:
1. A statement of consistency with national, regional, and local policy.
  2. Additional transport details having regard to the report of the Transportation Planning Department.
  3. A Social Infrastructure Audit, including childcare and school place demand.
  4. A statement of compliance with Irish Water standards.

5. Proposals for additional SUDS measures as opposed to underground attenuation.
6. Additional photomontages and section drawings.
7. Proposals to address residential amenity for future residents.
8. Landscaping and open space proposals to address play provision within the scheme, boundary treatment, and open space for the creche.
9. Glint and Glare study for the proposed solar/PV panels.
10. A Housing Quality Assessment to demonstrate compliance with the 2020 Guidelines on Design Standards for New Apartments.
11. A taking in charge drawing.
12. Green Infrastructure Plan.
13. A draft Construction Waste Management Plan, draft construction and Environmental Management Plan and a draft Operational Waste Management Plan.
14. A physical model of the proposed development.

## **4.0 Planning Authority Decision**

### **4.1. Decision**

The planning authority made a decision to grant permission subject to 38 no. conditions. The conditions are generally standard in nature, but the following requirements of conditions are noted:

Condition No. 2 – Permission is for a period of 10 years.

Condition No. 4 – Additional windows to be provided to the residential amenity area at the ground floor of Block E.

Condition No. 5 – Phasing arrangements are specified including arrangements for prior to and post completion of the Bus Connects Project, car parking availability, completion of the creche and playground, and completion of road / cycle / footpath upgrades.

Condition No. 12 – Lighting design to be agreed.

Condition No. 15 – Strategy for the use of cranes and aeronautical warnings to be agreed.

Condition No. 16 – Revised Landscaping Plan to be agreed.

Condition No. 17 – Requires compliance with a range of transportation requirements.

Condition No. 35 – Requires a special contribution under Section 48(2)(c) of €1,724,496 in respect of the shortfall of playground facilities, to go towards the improvement of play facilities in Millennium Park and Tolka Valley Park.

Condition No. 37 – Requires a financial contribution of €2,324,248 in respect of the shortfall of open space, to go towards the cost of amenity works in the area.

Condition No. 38 – Requires a financial contribution of €10,132,553 towards the cost of public infrastructure and facilities, in accordance with the Contribution Scheme for Fingal County.

## 4.2. Planning Authority Reports

### 4.2.1. Planning Report

The assessment of the proposed development can be summarised as follows:

- The principle of the proposed uses and the redevelopment of the lands is considered acceptable.
- Phasing arrangements are acceptable subject to compliance with the conditions outlined in the decision.
- The proposal suitably demonstrates operation with and without the Bus Connects Project and would not mitigate against its delivery.
- The principle of increased density on the site is acceptable.
- The Architectural Design approach is generally considered effective, and the building height approach has satisfactorily demonstrated compliance with the Urban Development and Building Height Guidelines.
- The design and layout of the scheme provides a satisfactory urban design response to the site.
- The proposed housing mix is acceptable.

- Having regard to the proposed community facilities and the audit submitted with the application, it is considered that there will be sufficient social and community infrastructure to serve future residents.
- The residential standards for the proposed apartments are acceptable and there are no unacceptable privacy, wind, or noise issues.
- Communal open space proposals exceed the quantitative requirements of the Apartments Guidelines.
- There is a shortfall of playground and public open space provision, and financial contributions are required.
- There will be no unacceptable impacts on the surrounding area, either in relation to visual impact, residential amenity, or construction impacts.
- The access and parking proposals are acceptable. The application demonstrates existing and future spare public transport capacity, and that the proposal will not generate a significant volume of additional traffic.
- Water, drainage, and flood risk impacts are acceptable.
- Part V proposals should be better dispersed throughout the site, which can be agreed by condition.
- Subject to the mitigation measures identified in the EIAR, the predicted effects on the environment would be acceptable.
- The proposed development is not likely to have a significant effect on any European Sites.
- The report recommends to grant permission subject to conditions and this forms the basis of the planning authority decision. I note that condition no. 36 of the recommendation (i.e. a financial contribution towards 3.96 ha of public open space) was omitted, although condition no. 37 of the decision still retains a contribution towards a shortfall of 396.00m<sup>2</sup> public open space.

#### 4.2.2. Other Technical Reports

Transportation Planning: No objections subject to conditions.

Water Services: No objections subject to conditions.

Parks and Green Infrastructure: States that conditions should apply to any permission requiring a financial contribution towards the shortfall in playground facilities and public open space, as well as the agreement of landscaping plans.

Environment: Recommends that a Construction and Demolition Resource Waste Management Plan should be agreed.

Architects: The report welcomes a number of improvements in the revised scheme (compared to pre-planning) and makes several recommendations to be considered in the assessment of the application.

Archaeology: Predicts that there will be no adverse impacts on archaeological features or deposits.

Housing: The report is not on file but was requested from the planning authority.

#### 4.3. **Prescribed Bodies**

TII: Requests reliance on the Spatial Planning and National Road Guidelines and states that TII will not entertain future claims in respect of impacts on the proposed development.

IAA: No objections subject to agreement of crane use and aeronautical warnings.

DAA: No comments other than recommending further consultation.

#### 4.4. **Third Party Observations**

The third-party submissions to the planning authority raised issues which are largely covered in the grounds of appeal and observations on this appeal case (see section 7 of this report). Any relevant additional issues can be summarised as follows:

- There are concerns about notification of the application, the absence of consultation, and the inadequate timeframe for submissions.
- The development would fail to provide a suitable level of residential amenity for future residents.
- Concerns about pollution impacts from dust, dirt, traffic fumes, and light.
- There would be adverse impacts on biodiversity.
- The development would obstruct views of the Dublin Mountains.

- Consideration needs to be given to the Tolka River and its protected status.
- There are concerns about the impact on the capacity of the sewerage system, water supply and foul drainage, as well as potential impacts on Dublin Bay if there was an overload of sewage into the Tolka River.
- Concerns about the nature and extent of pre-planning discussions/reports.
- There is a need to consider an overall strategy for the area and the cumulative impact of all planned development.

## 5.0 Planning History

I note the following recent and relevant planning history which applies to the appeal site and the surrounding area.

**ABP Ref. 313892-22** – Current Local Authority Road application for the Bus Connects Blanchardstown to City Centre Core Bus Corridor Scheme.

**P.A. Reg. Ref. FW22A/0047** – On 3<sup>rd</sup> of October 2022, FCC issued a decision to grant permission on Site B (Library Car Park) and Site C (Blue Car Park) for the construction of 352 no. apartments, 5 no. commercial units, 1 no. community facility, and an extension of the existing multi storey car park from 4 no. levels to 6 no. levels, together with associated works and services and associated alterations to the existing multi storey car park to facilitate the development. A First Party Appeal was submitted to An Bord Pleanála on the 1st of November 2022 (**ABP Ref.: 314985-22**) in relation to Conditions 33 (Public Open Space Financial contribution) and 34 (Playground Facilities Special Contribution).

**P.A. Reg. Ref. FW18A/0168** - On the 11th of September 2019, a final grant of permission was issued in respect of a new extension for the existing Blue Mall within the Blanchardstown Centre. The development includes an additional GFA of 4,559 sq.m. (including 9 no. café/restaurant units and a retail unit), a new entrance, a public plaza, the re-alignment of the northern lane of Road D and associated alterations, the reconfiguration of part of the existing Leisureplex car park, along with site development and ancillary works. Amendments to the permission were

subsequently permitted under P.A. Reg. Refs. FW20A/0018, FW20A/0030, FW22A/0175.

**P.A. Reg. Refs. FW17A/0074 & FW18A/0105** – Permission granted for the Central/Green Mall extension to provide a total additional GFA of 1,486 sq.m. and associated site works and services.

**P.A. Reg. Refs. FW18A/0143 & FW19A/0017** – Permission granted for extension of the Red Mall, resulting in an additional gross floor area of 2,064 sq.m., along with associated site works and services.

## 6.0 Policy Context

### 6.1. National Policy

6.1.1. Having considered the nature of the proposal, the receiving environment, and the documentation on file, including the reports and submissions from the planning authority, I am of the opinion that the directly relevant Section 28 Ministerial Guidelines are:

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (the ‘Sustainable Residential Development Guidelines’), including the associated Urban Design Manual (2009).
- Design Manual for Urban Roads and Streets (DMURS) (2019).
- The Planning System and Flood Risk Management (including the associated Technical Appendices) (2009).
- Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2020, updated in 2022) (the ‘Apartment Guidelines’)
- Urban Development and Building Height, Guidelines for Planning Authorities (2018) (the ‘Building Height Guidelines’)
- Childcare Facilities – Guidelines for Planning Authorities 2001 and Circular PL3/2016 – Childcare facilities operating under the Early Childhood Care and Education (ECCE) Scheme
- Regulation of Commercial Institutional Investment in Housing – Guidelines for Planning Authorities (May 2021).



- Retail Planning – Guidelines for Planning Authorities (2012).

Other relevant national guidelines include:

- Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment, (Department of Housing, Local Government and Heritage) (August 2018).
- Appropriate Assessment of Plans and Projects in Ireland - Guidance for Planning Authorities (Department of Environment, Heritage and Local Government, 2009).

6.1.2. 'Housing for All - a New Housing Plan for Ireland (September 2021)' is the government's housing plan to 2030. It is a multi-annual, multi-billion-euro plan which aims to improve Ireland's housing system and deliver more homes of all types for people with different housing needs. The overall objective is that every citizen in the State should have access to good quality homes:

- To purchase or rent at an affordable price
- Built to a high standard in the right place
- Offering a high quality of life.

6.1.3. 'Project Ireland 2040 – The National Planning Framework (NPF)' is the Government's high-level strategic plan for shaping the future growth and development of the country to the year 2040. A key element of the NPF is a commitment towards 'compact growth', which focuses on a more efficient use of land and resources through reusing previously developed or under-utilised land and buildings. It contains several policy objectives that articulate the delivery of compact urban growth as follows:

- NPO 3 (b) aims to deliver at least 50% of all new homes targeted for the five cities within their existing built-up footprints.
- NPO 4 promotes attractive, well-designed liveable communities.
- NPO 6 aims to regenerate cities with increased housing and employment.
- NPO 11 outlines a presumption in favour of development in existing settlements, subject to appropriate planning standards.
- NPO 13 promotes a shift towards performance criteria in terms of standards for building height and car parking.

- NPO 27 seeks to integrate alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility.
- NPO 33 prioritises new homes that support sustainable development at an appropriate scale relative to location.
- NPO 35 seeks to increase densities through a range of measures including site-based regeneration and increased building heights.

6.1.4. The Climate Action Plan 2023 implements carbon budgets and sectoral emissions ceilings and sets a roadmap for taking decisive action to halve our emissions by 2030 and reach net zero no later than 2050. By 2030, the plan calls for a 40% reduction in emissions from residential buildings and a 50% reduction in transport emissions. The reduction in transport emissions includes a 20% reduction in total vehicle kilometres, a reduction in fuel usage, significant increases in sustainable transport trips, and improved modal share.

## 6.2. **Regional Policy**

6.2.1. The primary statutory objective of the Eastern and Midland Regional Assembly Regional Spatial and Economic Strategy 2019-2031 (RSES) is to support implementation of Project Ireland 2040 and the economic and climate policies of the Government by providing a long-term strategic planning and economic framework for the Region.

6.2.2. The site is located within the identified 'Dublin City and Suburbs' area. Regional Policy Objective (RPO) 4.3 supports the consolidation and re-intensification of infill/brownfield sites to provide high density and people intensive uses within the area and aims to ensure that the development of future development areas is co-ordinated with the delivery of key water infrastructure and public transport projects.

6.2.3. A Metropolitan Strategic Area Plan (MASP) has also been prepared for Dublin and guiding principles for the area include compact sustainable growth and accelerated housing delivery; Integrated Transport and Land use; and the alignment of growth with enabling infrastructure. The MASP seeks to focus on several strategic development areas/corridors that will deliver significant development in an integrated and sustainable fashion. Blanchardstown adjoins the North West Corridor which

stretches from Dublin City Centre towards the Maynooth / Dunboyne line and DART expansion plans.

- 6.2.4. Blanchardstown is identified as a Level 2 'Major Town Centre' in the Retail Hierarchy for the Region and RPO 6.11 outlines that significant retail development shall be consistent with the Retail Planning Guidelines and the retail hierarchy. The Dublin Enterprise Zone in Blanchardstown and Grangecastle Business Park is recognised as a strategic employment hub. Table 5.2 also recognises the employment potential for large scale office, research and development and high-tech manufacturing in proximity to Blanchardstown IT.
- 6.2.5. The Greater Dublin Area Transport Strategy 2022-2042 (NTA) sets out a framework aiming to provide a sustainable, accessible and effective transport system for the area which meets the region's climate change requirements, serves the needs of urban and rural communities, and supports the regional economy.

### 6.3. Local Policy

- 6.3.1. The planning authority decision was made on 12<sup>th</sup> January 2023, at a time when the FCC Development Plan 2017-2023 applied. In the meantime, the Fingal County Development Plan 2023-2029 was adopted on 22<sup>nd</sup> February 2023 and came into operation on 5<sup>th</sup> April 2023. Therefore, the 2023-2029 Development Plan is the operative plan for the purposes of the appeal determination.

#### Fingal County Development Plan 2023-2029

- 6.3.2. The Core Strategy reflects national and regional objectives to promote compact growth, regeneration of underutilised lands, and sustainable development. It identifies Blanchardstown – Mulhuddart LEA as being within the 'Dublin City and Suburbs Consolidation Area', with a projected housing demand of 1,761 units; a total available zoned residential land of 90ha; and total units/potential yield of 4,495 units. Section 2.4.3 outlines the intention to prepare a Framework Plan for Blanchardstown Village. Other relevant policies/objectives for the Dublin City and Suburbs area include the following:

Policy CSP20 – Blanchardstown - aims to consolidate growth by encouraging infill and brownfield development and compact growth rather than greenfield development and by intensification at appropriately identified locations.

Objective CSO23 - Develop a strategic approach to town centre regeneration through the 'Town Centre First' policy approach by utilising existing buildings and unused lands for new development, promoting residential occupancy, and providing a mix of uses within these areas.

Objective CSO24 – Promote Blanchardstown Town Centre as an integral component in the promotion and development of the Dublin Enterprise Zone.

Objective CSO30 - Promotes more intensive population and employment uses.

6.3.3. Chapter 3 sets out the strategy to guide successful healthy placemaking and ensure quality housing. It includes a range of policies and objectives which accord with the NPF and RSES, the Housing Strategy and HNDA prepared in support of the Development Plan, and national planning guidance.

6.3.4. Chapter 4 outlines the importance of community infrastructure and open space to healthy place making. Relevant policies and objectives include the following:

Policy CIOSP2 – Promotes the preparation of community and social infrastructure audits for large-scale developments.

Objective CIOSO5 – Ensure proposals for large scale residential developments include a community facility, unless needs are already adequately served.

Objective CIOSO44 – Facilitate the provision of appropriately scaled children's playground facilities within new and existing residential development in line with the Council's Play Policy.

6.3.5. Chapter 5 outlines the role of the plan in helping Fingal realise its potential to be a low carbon society and mitigating the impacts of climate change. It encourages the form, design, and layout of new development to positively address climate change and Policy CAP12 states that all new developments involving 15 residential units and/or more than 1,000 sq. m. of commercial floor space will be required to submit a Climate Action Energy Statement.

6.3.6. Chapter 6 'Connectivity and Movement' recognises and supports a collaborative approach that needs to be taken by all stakeholders to ensure the delivery of a sustainable transport network including key transport projects, new walking and cycling infrastructure, behavioural change initiatives and improved roads access. Relevant policies and objectives include the following:

Policy CMP2 – Concentrate compact growth around existing and planned transport services ensuring that travel demand and car-based travel is reduced.

Objective CMO3 – Supports high-density, mixed-use development and trip intensive uses along public transport corridors.

Objective CMO23 – Supports the delivery of key sustainable transport projects including MetroLink, BusConnects, DART+ and LUAS expansion programme.

Policy CMP20 – Support the provision of high-quality transport interchanges including the Blanchardstown Town Centre Bus Interchange.

Policy CMP25 – Implement a balanced approach to car parking, using parking as a demand management measure to promote a transition towards more sustainable forms of transportation, while meeting the needs of businesses and communities.

6.3.7. Chapter 7 ‘Employment and Economy’ recognises the significant role retail plays in the growth and economy of Fingal, as well as the identification of ‘Dublin 15 lands’ at Blanchardstown as a Strategic Employment Area in the RSES. Policies EEP8 and EEP9 promote the development of major urban centres and employment areas, including Blanchardstown.

6.3.8. The Retail Hierarchy confirms Blanchardstown as a ‘Level 2’ Major Town Centre and the appeal site is located within the mapped ‘Core Retail Area’. Objectives include the following:

EEO91 – Develop Swords and Blanchardstown as sustainable, vibrant and prosperous Major Town Centres operating at the highest retail Level within the Fingal Retail Hierarchy, and to further strengthen, improve and diversify the retailing performance of Swords and Blanchardstown within a regional context.

EEO92 - Facilitate improvements to the quantum and quality of retail offer and function in Swords and Blanchardstown, and ensure their sustainable development by consolidating, intensifying and enhancing their existing core retail areas, and by directing new retail opportunities into the core retail areas identified for each.

EEO106 – Direct demand for new retail warehousing and/ or retail parks into the Major Town Centre ‘MC’ zoned lands and into the Retail Warehousing ‘RW’ zoning.

6.3.9. Chapter 9 deals with ‘Green Infrastructure and Natural Heritage’ and aims to develop and protect a network of interconnected natural areas, biodiversity, and natural

heritage. Objective GINHO20 relates to new residential development proposals and seeks, where appropriate, to maximise the use and potential of existing parks, open spaces and recreational provision, by upgrading and improving the play and recreational capacity of these existing facilities through development contributions in lieu of new open space or play provision.

- 6.3.10. In accordance with the Landscape Character Assessment, the Tolka Valley to the east of the site is 'Highly Sensitive Landscape' This chapter sets out a range of policies and objectives which seek to protect skylines, landscapes, views, and character areas through appropriate visual impact assessments.
- 6.3.11. Chapter 11 deals with 'Infrastructure and Utilities'. It outlines a range of policies and objectives to develop and protect water and waste infrastructure, and to protect air, noise, and light conditions.
- 6.3.12. Chapter 13 aims to implement the zoning objectives for each area while avoiding abrupt transitions at the boundaries between zones. Excluding the un-zoned road portions, the appeal site is part of the larger 'MC – Major Town Centre' zone. The zone extends further to the northeast and southeast of the site and the objective is to *'Protect, provide for and/ or improve major town centre facilities'*.
- 6.3.13. Millennium Park to the southwest of the site is zoned 'OS – Open Space', where the objective is to *'Preserve and provide for open space and recreational amenities'*. The residential areas to the northwest of the site are zoned as a combination of 'OS – Open Space' and 'RS – Residential', where the objective is to *'Provide for residential development and protect and improve residential amenity'*.
- 6.3.14. Chapter 14 outlines 'Development Management Standards' in an aim to ensure that development occurs in an orderly and efficient manner which contributes to the Core Strategy and related policies and objectives. Relevant aspects include the following:
- Section 14.5.2 and 14.5.3 promote building density and height in accordance with national and regional policy and guidance.
- Section 14.6 outlines a range of design criteria and standards for various types of residential development, which is based on national guidance documents including the Apartments Guidelines.

6.3.15. Section 14.13 deals with Open Space based on the principles of 'Hierarchy and accessibility', 'Quantity', and 'Quality'. The following elements are noted:

Objective DMSO50 – Require the monetary value in lieu of play facilities to be in line with the Fingal County Council Development Contribution Scheme.

Objective DMSO51 – Requires a minimum public open space provision of 2.5 hectares per 1000 population.

Section 14.13.2. - It is the intention of the Council to ensure, except under exceptional circumstances, that public open space provision exceeds 10% of a development site area.

Objectives DMSO52 and DMSO53 – Require that public open space shall be provided in accordance with Table 14.12 and other provisions.

Objective DMSO56 – Ensure every home within a new residential scheme is located within 150 metres walking distance of a park.

Objective DMSO57 – Require the monetary value in lieu of open spaces to be in line with the Fingal County Council Development Contribution Scheme.

Objective DMSO68 – Provide appropriately scaled children's playground facilities within residential development (4 sq m per residential unit).

Objective DMSO69 – Ensure that equipped playgrounds shall occupy an area of no less than 0.02 hectares and include a minimum of one piece of play equipment for every 50 sq. m.

Section 14.17 'Connectivity & Movement' outlines a range of transport standards and objectives, including bicycle and car parking standards.

## 7.0 The Appeals

7.1. There are a total of 9 appeals in this case, including one first-party appeal and eight third-party appeals. The grounds of the appeals and responses to same are outlined in the following sections.

### 7.2. First Party Appeal

The First Party Appeal relates solely to the development contributions as outlined in conditions 35 and 37 of the FCC decision. The grounds of appeal in relation to each condition are summarised below.

#### Condition no. 35

- The FCC calculation sheet refers to 'Section 48(2)(c) Playground Facilities' and a figure of €1,724,496. However, it does not explain how the figure was derived or how it is required to fund improvements to the existing substantial playground facilities in Millennium Park and Tolka Valley Park.
- The condition does not comply with the requirements of the Act for a special contribution, i.e. that there are specific exceptional costs not covered by the general contribution scheme, and should be omitted.
- It is proposed to provide play space of 172m<sup>2</sup> in the proposed public open space areas and 1,055m<sup>2</sup> in the communal open space areas, which is designed to cater for all ages and is in accordance with the requirements of the Apartments Guidelines.
- It is acknowledged that the proposal does not comply with the requirements of Development Plan Objective DMS75 (i.e. 4m<sup>2</sup> per residential unit or a total of 3,884m<sup>2</sup>). However, this is considered excessive for a higher density apartment scheme with smaller units and less children, and Objective PM42 (Variation No. 2) implements the Apartment Guidelines as the most appropriate standard. Furthermore, the Sustainable Residential Development Guidelines allow for a relaxation of standards for town centre sites close to other parks and amenities.
- The proposed public plaza meets the area requirement under Table 12.5 of the Development Plan in respect to pocket parks, which are not necessarily formal



play facilities, and meets the general requirements for appropriately scaled playground facilities.

- Although the proposal does not meet the 'Local Area for Play' requirements of Table 1 of 'Space for Play', and while objective GM3 of the 'Open Space Strategy' identifies the need for upgrades to Tolka Valley Park and Millennium Park, these are not statutory objectives and are not appropriate for requiring a financial contribution.
- The play space requirements in the Draft Development Plan 2023-2029 continue to implement the Apartments Guidelines standards. And while a new objective (s. 14.13.1) may require the monetary value in lieu of play facilities in line with the Development Contribution Scheme, the scheme does not provide for playground facilities and, therefore, it must be considered a special financial contribution under Section 48(2)(c) and Section 48(12) of the Act.
- Based on the FCC response to another similar appeal (ABP Ref. 314985-22) it would appear that the contribution was calculated at €444 per m<sup>2</sup> based on FCC experience of such projects. The applicant's cost consultant suggests that costs may vary from €350 to €390, but there is a lack of information on the nature and scope of works in this case.
- If the Board considers a contribution appropriate, it should consider the play space proposed (1,227m<sup>2</sup>) to reduce the shortfall to 2,657m<sup>2</sup>. A lower cost of €350 per m<sup>2</sup> should also be applied to provide a special contribution of €929,950.

#### Condition no. 37

- The condition appears to erroneously refer to a shortfall in open space of 396m<sup>2</sup>, whereas it is assumed that it should refer to 3.96ha.
- The Planner's Report states that the contribution will go towards Class 1 open space facilities in Millennium Park but does not give further information on the nature and scope of the works, the status of the approved Part 8 for Park Development works, or how the contributions would go towards these works.
- The financial contribution is considered excessive and unreasonable as the design of the public open space, combined with public realm improvements, is considered appropriate for the nature and location of the proposed development.

- FCC has not properly applied the Development Contributions Scheme 2021-2025 and the condition does not accord with Section 48(2)(c) of the 2000 Act. It is requested to omit condition no. 37.
- The development includes 2,583m<sup>2</sup> public open space comprising a public plaza, which is 8% of the net residential area (3.26ha). When the 6,198m<sup>2</sup> of public realm improvements is included, there is a total of 8,871m<sup>2</sup> which comprises 27% of the net residential area and exceeds the 10% requirement of Objective DMS57A.
- The proposed public plaza meets the area requirement under Table 12.5 of the Development Plan in respect to pocket parks, which are not necessarily formal play facilities, and the combined public open spaces meet Objective DMS59 (i.e. every new unit to be within 150m of a pocket park).
- The supporting text for Objective DMS57 allows for exceptional circumstances, which should apply given the location and nature of the site and national policy such as the Sustainable Residential Development Guidelines which encourage a more flexible approach for town centre sites in close proximity to existing facilities such as Millennium Park, Tolka Valley Park and other local parks.
- The Draft County Development Plan 2023-2029 contains revisions to public open space requirements and Section 4.5.2.3 is most relevant, which requires 10% public open space. This is provided through the public plaza and public realm upgrades (i.e. 8,871m<sup>2</sup> or 27% of the net residential area). Other requirements of the Draft Plan are either met by the proposal or are excessive in scale.
- Precedents are cited where it is contended that financial contributions were not applied by the Board for shortfalls in public open space. These are ABP Ref. 308526-20 and ABP Ref. 310359-21.
- If the Board considers a contribution appropriate in respect of the minimum 10% requirement and that the public realm improvements cannot be included as public open space, it should consider the pocket park and plaza proposed (2,583m<sup>2</sup>) to reduce the shortfall to 677m<sup>2</sup> (compared to the requirement of 0.326ha based on 10% of the net residential area). This would reduce the contribution to €40,000.

- Alternatively, if the Board considers a contribution appropriate in respect of objectives PM52 and DMS57 (i.e. 2.5ha per 1,000 persons), the public realm improvements and public open space (i.e. 8,871m<sup>2</sup>) should be considered to reduce the shortfall to 3.08ha (compared to the requirement of 3.96ha based on 10% of the net residential area). This reduces the contribution to €1,807,000.

### 7.3. Third Party Appeals

There are a total of eight third-party appeals in this case. The appeals can largely be categorised as those from surrounding residents and those from commercial interests within Blanchardstown Centre. Within those categories, similar issues are raised and therefore the grounds of appeal can be summarised collectively under the following headings.

#### The principle of the development

- This is not a brownfield site that would facilitate comprehensive redevelopment as envisioned in the NPF. The existing retail use and car parks are not redundant but are contributing to strategic economic objectives.
- Objective SS16 allows for compact development in appropriate circumstances, which do not apply in this established 'bulky goods' retail area where the primary zoning objective is to provide for and facilitate retail development. The proposal would materially contravene the zoning objective for the site.
- Development Plan Objectives 40, 41, and 55 support the strengthening of the retail function of retail areas such as this (Level 2 MC Major Town Centre), which would be materially contravened by the disproportionate scale of residential development proposed.
- The Development Plan has appropriately planned for future residential requirements, without the need to compromise existing retail uses.
- The Draft Development Plan retains the retail provisions and zoning objectives to protect the retail function of the area.

### Housing Mix

- Social and affordable housing has not been proposed in accordance with national guidance/legislation and 50% of the proposed units should be dedicated to social and affordable units.
- The scale and nature of the proposal (including the extent of studio/1-bed units) lends itself to 'Build-To-Rent' development and there is no commitment that it will not be 'Build-To-Rent'.

### Design and Visual Impact

- The height is excessive, visually obtrusive and out of character with the Blanchardstown Centre.
- There will be a particularly overbearing visual impact on the Whitestown residential estate.
- The proposal does not comply with objective PM42 and the Building Height Guidelines requirements to positively contribute to placemaking and streetscape.
- The area has a lack of cohesion, linkage and urban density, and the proposal does not address this, leaving large areas of surface parking.

### Residential Amenity

- The proposed development would seriously damage the amenities of housing in Whitestown, which would be contrary to the 'Major Town Centre' zoning objective and other objectives such as SS10, SS01, and SS12.
- Dwellings in Whitestown will be overlooked by the development.
- Dwellings in Whitestown are likely to experience loss of natural light due to overshadowing.
- The scheme should be significantly stepped down and/or set back at the interface with Whitestown.
- The construction impacts and existing/future traffic congestion will have serious impacts on residential amenity.
- The additional traffic will have noise and health implications.

### Car Parking

- The residential provision is inadequate and does not provide 1 no. visitor space per 5 units as per Development Plan requirements.
- It is not clear how residential parking will be separated from commercial.
- The car park is in high demand, particularly during busier retailing periods.
- There are concerns that existing residential areas will be used for parking.

### Traffic and Transport

- Existing traffic flows are excessive and are not appropriately managed. The proposed development and the loss of parking spaces will lead to additional traffic movements and further congestion within and around the centre.
- There are concerns about the Traffic and Transport Assessment as follows:
  - Sites selected from the TRICS Database are not compatible, were not surveyed at suitable times, and do not comply with the TRICS Good Practice Guide 2021 or the NRA TTA Guidelines 2014.
  - FCC does not have access to the TRICS Database to check the figures.
  - The TRICS estimates have been used for the junction performance analysis and do not accurately reflect potential impacts on local and national roads.
- The additional, conflicting and haphazard traffic movements are likely to give rise to traffic hazard.
- The parking provision underlines a massive car dependency which will exacerbate impacts on the already overstretched road infrastructure.
- The area does not have a high-capacity transport link (LUAS, DART, OR Metro) and there is no serious attempt to promote active travel. It would be premature in the absence of the Bus Connects scheme.
- The existing walkway from Whitestown should be preserved and enhanced, and Town Centre Management should enforce the bus-only lanes and exits.

### Social & Community Infrastructure

- The development would impose significant additional pressure on social and community infrastructure, including the capacity of local schools.
- The proposals should include a shared GP medical centre, a community centre, and childcare facilities.
- Shortfalls in play and open space requirements should be provided within the scheme and development contributions 'in lieu' are unsatisfactory.

### Retail Impact

- The impact of the development on existing retail uses and the Development Plan hierarchy has not been adequately considered.
- The existing 'bulky goods' retailers benefit from good access and parking arrangements, which is accepted in retail planning policy, and this would be severely affected by the loss of surface car parking.
- The revised surface and multi-storey parking spaces are deficient for 'bulky goods' retail needs and would undermine the viability of the retail function.
- The cumulative loss of parking spaces is unclear and should consider the impact of Bus Connects, the construction phase impacts, and the use of commercial spaces by residents given that there is an under provision of residential spaces.
- The phasing report does not detail the impact on existing businesses, how many spaces would be taken up during the construction phase (including construction workers, compound, facilities etc), or how long they would be taken for.
- The CEMP does not detail access arrangements or how the proposal would impact the ongoing operation of businesses.
- The Car Parking Management Strategy does not adequately clarify operational impacts. Condition 17A is inappropriate and appears to encourage the introduction of paid parking without considering impacts on businesses. Condition 17I suggests that more retail spaces may be reallocated to residential use.
- The reduced car-parking provision is not justified by reference to seasonally high demand during the parking survey period (November) or the implementation of Bus Connects (the programme for which is uncertain).

- The specified construction period (4 years) may coincide with the Bus Connects project, therefore resulting in significant cumulative disruption.
- It is unclear whether the surface parking would remain in full operation during the construction of the Mobility Hub (Phase 1a).

### EIA

- The consideration of 'alternatives' in the EIAR is inadequate.
- The EIAR should include a reasonable and balanced assessment of impacts on 'land', land uses, loss of parking, and retail implications.
- Alternative locations for the residential development have not been considered.
- Proposals to agree infrastructure matters post decision, including pedestrian and cycle upgrades, affects the ability to fully assess the development and environmental impacts.

### Procedural & Legal Issues

- It is not evident that the 3<sup>rd</sup> party submissions were considered by the planning authority.
- The submitted draft Urban Framework Plan is not a statutory plan and should not be used to assess the proposed development. It has not been prepared in consultation with surrounding businesses.
- The omission of full details on infrastructure (including cycle/pedestrian links) and phasing arrangements undermines due process and third-party engagement.
- There has been a lack of consultation with existing businesses.
- The business tenant contracts include their entitlement to use of the car park and that the landlord would not carry out development to materially prejudice the tenants' businesses.

#### **7.4. Observers**

Five third-party observations have been received in this case. The observations raise many common issues, the majority of which are covered in the grounds of appeal in section 7.3 of this report. The additional issues raised can be summarised under the following headings:

### Principle of the development

- There is some support for the principle of the development but not the scale and density proposed.
- The overall strategy and the potential for an additional 3,300 apartments needs to be considered.
- The application is speculative and a 10-year permission is inappropriate.
- There is an inadequate provision of 3-bed units.

### Design and Visual Impact

- The proposal does not comply with the Urban Framework/Masterplan for Blanchardstown (2009) and is not justified under the criteria set out in the NPF and Building Height Guidelines.
- High rise development is inappropriate at this location and leads to increased social problems such as isolation and mental health issues.
- The residents of the area have clearly outlined their opinion that the proposal does not enhance the character of the area.
- The public realm design is substandard by reference to a lack of focal point, inadequate light, insufficient neighbourhood space, excessive building height, and excessive wind.
- There are no fire services provisions for dealing with this building height.
- The studio apartments do not provide sufficient living space.
- An updated Local Area Plan is required.

### Open Space / Play Facilities

- The area is not served by adequate public open space with appropriate facilities.
- Rooftop settings are inappropriate for open space.
- The financial contributions towards play/open space facilities are inadequate and such facilities could be provided on site if the number of units was not maximised.
- The application underestimated the open space/play needs of children and young people, and the needs of disabled people.



### Residential Amenity

- The proposed development, including removal of existing trees and grassed hill, would increase noise pollution.
- The proposal would block light and overlook properties at Hillbrook Woods.

### Traffic and Transport

- The proposal would not facilitate future light rail transit and would contravene Development Plan Objectives MT27, DMS122, and Blanchardstown 8.
- The traffic counts are outdated and do not reflect increasing population and car ownership/needs.
- Public transport is inadequate in the area and the rail stations are too far away.

### Procedural Issues

- There are concerns that the application was decided very quickly over the Christmas period.
- There are concerns about the protracted length of pre-planning discussions.

## 7.5. **Prescribed Bodies**

There has been one submission from An Taisce. The submission welcomes the principle of residential development but recommends that the planning authority decision should be overturned. It generally reiterates and supports the third-party appeals and submissions made as follows:

- The proposed building height will have an overbearing impact on adjoining residences and visual amenity. This is illustrated by the applicant's CGI images, although even they appear smaller due to the focal lengths used for the images.
- There is a deficiency in public/private transport infrastructure and the impact of this car-dependent development would exacerbate traffic congestion. The associated traffic emissions would have health and environmental implications.
- Existing/proposed public transport infrastructure is inadequate and the reliance on car ownership will remain high in Blanchardstown.

- Active travel facilities (including disabled users) are inadequate, and this increases reliance on the private car. The proposed development would be premature in the absence of significant improvements.

## 7.6. **Applicant Response to Third-Party Appeals**

The applicant has responded to the 8 no. third-party appeals. The response can be summarised under the following headings:

### Request for Oral Hearing

- Having regard to the lack of complexity involved and the information on file, an Oral Hearing would not be warranted in this case.

### Principle of the Development

- The development is supported by a clear national, regional, and local planning policy context which supports the consolidation of Dublin City and suburbs and the provision of more intensive residential development (and other uses) on a strategically located site.
- The vision for the 'Major Town Centre' zone facilitates the proposed development and all proposed uses are 'permitted in principle'.
- The retail importance of the centre is acknowledged, including the existing 170,000m<sup>2</sup> of retail floorspace and recent permissions to extend/upgrade the retail offer. The proposed residential element would complement the retail function in accordance with the Development Plan 'town centre' vision for the area. The appellants have not demonstrated how the retail hierarchy would be adversely affected.
- It is acknowledged that the Draft Urban Framework Plan is non-statutory. It has been prepared to provide a wider context for the development. There is no requirement for a statutory UFP to be in place before an application can be considered, and the application does not rely on the Draft UFP submitted.
- The Blanchardstown Town Centre Framework / Masterplan (2009) is a non-statutory document, but the proposed development broadly aligns with the key principles of improved mix of uses, redeveloping surface parking, and providing a more urban town centre environment.

## Traffic, Transport & Parking

- The car-parking survey uses a worst-case scenario (as supported by the planning authority) and no further surveys are deemed necessary. The Smyths Toys appeal does not provide an exact date and time for their images of the car park.
- As per CDP standards, the car parking requirement for the Retail Park is a maximum of 914 spaces. The proposed 1,292 retail spaces would exceed this and the stated lease arrangements to maintain at least 1,000 spaces within 200m of the retail premises.
- There is no requirement for all retail warehouse parking to be at surface level and the appeals do not demonstrate how this would adversely affect operations.
- Access to the retail park will be improved with a more direct connection to the N3, which will reduce traffic congestion within the internal road network.
- The proposal is supported by the Retail Planning Guidelines aims to encourage active and sustainable travel for town centre locations.
- Notwithstanding Development Plan standards for residential use, the proposals (including supporting provision of cycle parking etc.) are acceptable having regard to the nature and location of the development and the standards outlined in the Apartments Guidelines. The draft CDP also includes reduced parking standards and allows further reductions in suitable circumstances.
- The Car Parking Strategy will ensure that retail parking will be closed at night and will not be used by residents. Any reallocation of the 3-bed unit parking will be within the residential basement parking and will not affect the retail parking.
- The town centre location is ideal to support the design intention to support active and sustainable transport given the proximity to surrounding services, the proximity and existing/planned capacity of public transport, and the proposed cycle/pedestrian facilities.
- The TRICS criteria appropriately uses 'town centre' and 'neighbourhood centre (local centre)' locations. A sensitivity analysis on TRICS data comparing trip generation for Dublin against the complete dataset showed that the Dublin sites were negligibly higher and therefore suitable for junction performance analysis.

The TTA follows the TII guidance (2014) and provides extensive modelling of the surrounding network, which will continue to operate successfully.

- The Mobility Hub will not draw additional traffic as it facilitates a reduction in existing surface parking in accordance with national and local planning policy.
- A Stage 2 Road Safety Audit has been completed and will be complied with.
- The application indicates the full extent of pedestrian/cycle routes around the site and only the detailed design considerations would be agreed by condition, which is standard practice.
- The proposed layouts and the TTA have appropriately demonstrated that the development can be accommodated both with and without the Bus Connects project. Therefore, the proposal should not be considered premature.

#### Residential Amenity

- The building heights are considered appropriate and respond positively to the surrounding context. The landmark buildings will establish visual and functional importance and will positively contribute to the character of the area, whilst providing a suitable height transition and distance from sensitive uses.
- The Daylight and Sunlight assessment demonstrates that the development performs exceptionally well, particularly given the underutilised nature of the site. Any impacts on existing properties would be acceptable.
- The LVIA chapter of the EIAR demonstrates how the proposal (including View 4) respects the surrounding areas.
- The Building Heights Statement acknowledges the visual impact of the development but concludes that the impact will be generally positive, providing a strong visual reference to the town centre and an appropriate relationship with Millennium Park.

#### Housing Type and Mix

- The proposal provides 10% Part V housing, which is in accordance with legislative provisions for sites acquired between 1<sup>st</sup> September 2015 and 31<sup>st</sup> July 2021. Proposals have been agreed in principle with FCC.

- The proposed mix, design and layout of units complies with the Apartments Guidelines and a 'Build To Rent' development is not proposed.
- The housing mix would be consistent with permitted developments and would complement the existing housing stock in the area, where 81% of units are houses/bungalows.

### Social & Community Infrastructure

- The Social and Community Infrastructure Audit informed the provision of a childcare facility, place of worship, community space, residential amenity space, and commercial units as part of the development. It also demonstrated that existing facilities would be sufficient.
- The site is located in close proximity to existing services and, together with extant permissions, the proposed development will be served by a good standard of amenities and services, as was accepted by the planning authority.

### Play Areas and Public Open Space

- The response outlines that this has been adequately covered in the grounds of the first-party appeal.

### Construction / Phasing

- A 10-year permission is considered appropriate given the scale and complexity of the project, which includes an EIAR. A 5-year permission could only be implemented in a best-case scenario.
- Recent extensions/upgrades to retail properties within the centre have been completed without impact on the operations of existing units.
- The applicants Consulting Engineers provide further details on construction management including the following:
  - Commitment that there will be no unacceptable impacts to retail operations and that there will be ongoing liaison with tenants.
  - Access to the existing surface carpark to the east of the Mobility Hub will not be restricted from the commencement of phase 1a. Reconfiguration of parking will take place outside retail hours and, following completion of the

Mobility Hub and reconfiguration works, this area will remain accessible for customers throughout the remaining construction process.

- As per Condition 5(d) of the FCC decision, the remaining surface spaces would be unavailable following the completion of the Mobility Hub.
- The construction compound location will be agreed but will not be within the retail surface parking area. Construction parking needs will be limited and will not be within the retail surface parking area or nearby residential areas. Parking in the early stages will take place where the blocks are proposed, progressing to the basement area, and possibly an off-site location if necessary.
- A more detailed CEMP will be agreed to address the above items.

#### EIAR – Consideration of Alternatives

- Section 2.7 outlines how the alternative design and layout of the scheme has evolved. The need to consider alternative layouts can be reasonably discounted.
- Section 2.7.4 outlines that the proposed uses are compatible with Development Plan zoning and objectives. Alternative land uses can be discounted.
- The EIAR considers the loss of car-parking and impacts on the existing retail use. Further detail is provided in Appendix 5 of the response.
- The EIAR considered 2 alternative locations and it was deemed appropriate to select and assess 2 scenarios – a greenfield site and an alternative site with permission. Section 2.7.3 justifies that an alternative location is not reasonable given the stated objectives to redevelop the appeal site.

#### Other Points

- The development has been designed to be sensitive to neighbouring uses and the applicant has since sought to engage with existing tenants.
- The statutory consultation periods were complied with, and the planning authority considered all submissions received.
- The application was the subject of extensive pre-application discussion.

## Appendices

The response includes appendices which can be summarised as follows:

- Appendix 3 outlines how the proposal broadly aligns with the (non-statutory) Blanchardstown Town Centre Development Framework Masterplan 2009.
- Appendix 4 contains a 'Statement of Consistency' in respect of the new Fingal County Development Plan 2023-2029.
- Appendix 5 contains a response from CSEA in relation to the traffic/transport issues raised in the third-party appeals. The contents have already been summarised in the applicant's response.
- Appendix 6 contains a response from DBFL Consulting Engineers in relation to the phasing, access, and construction compound/parking issues raised in the third-party appeals. The contents have already been summarised in the applicant's response.
- Appendix 7 contains a response from Enviroguide in relation to the EIAR (alternatives) issue raised in the third-party appeals. The contents have already been summarised in the applicant's response.

### **7.7. Planning Authority Response**

The Planning Authority response can be summarised under the following headings.

#### Third-Party Appeals

- National, regional, and local strategic policy seeks to consolidate Dublin City and Blanchardstown Centre, including the promotion of more intensive uses such as residential development.
- The merits of the development were assessed in accordance with all relevant policy and the proposal was considered acceptable.
- The proposed uses are permitted in principle within the zoning objective.
- Having regard to relevant policy and existing/permitted retail development at this location, the proposed quantum of commercial floorspace is acceptable.
- The promotion of development based on public transport and reduced car parking is in accordance with land use and transport policy.

## First-Party Appeal

- Conditions 35, 36, 37, and 38 of the FCC decision should be retained.
- The public open space and play provision requirements are outlined, which is a total of 3.96ha open space; 0.29ha of open space to be provided on site; and 3,884m<sup>2</sup> of playground facilities.
- The planning authority does not concur with the applicant's justification for the proposed quantum of play facilities, nor that public open space and public realm improvements are sufficient to meet requirements.
- There is a huge demand for such facilities and the FCC Open Space Strategy identified the need to upgrade Millennium Park and Tolka Valley Park. It is appropriate that the developer should contribute to these shortfalls.
- The cost of the provision of a 15m x 15m playground is €444 per m<sup>2</sup>, which has been applied in the FCC decision.
- The proposed public plaza (0.2464ha) does not meet the requirement for 10% on-site public open space. Furthermore, it does not meet the standards for public open space and should not be included in the calculations. The space constraints associated with urban regeneration are acknowledged and public realm improvements (0.5705ha) are accepted for the shortfall of 2% open space requirements on site. Accordingly, the applicant was required to make up the public open space shortfall of 3.96ha as per condition no. 37.
- The development is substantial and it is critical that the shortfall of recreational facilities is provided in accordance with the provisions of the Development Plan.

### 7.8. **Response by Briarwood, Huntstown Lawn, Woodlands Residents Association**

This is a response to the first-party appeal. The issues raised can be summarised as follows:

- The appeal consistently and incorrectly refers to the site as part of a town centre / major town setting.
- The application should be seen in the context of another recent grant of permission for 352 apartments. The scale and density of development is out of character with the greater Blanchardstown area.



- The site is a 20 minutes' walk from Coolmine Railway Station and even any improvements to train services would be unlikely to benefit the application site given the other proposed developments closer to the station.
- The applicant has not demonstrated how minimum recreational facilities will benefit the future residents.
- The applicant seems to confuse access pathways/entrance plazas with play/recreation areas and suggests a minimal shortfall of 0.067ha. Failing that, the applicant's next argument is a shortfall of 3.08ha, which is based on an understated population estimate.
- Both the applicant and FCC confirm a shortfall in play/recreation space. The respondents object to the proposed resolutions from both FCC and the applicant and contend that the Board should refuse permission in light of the shortfall of play/recreation facilities, or at the very least that the scale of development should be reduced.
- It is difficult to understand how any serious consideration was given to the objections received, or how the scale of the development was not reduced in light of the shortfalls.
- Millennium Park and Tolka Valley Park are nor easily accessible to residents and neither park includes any playing pitches.

## 8.0 Assessment

- 8.1. At the outset, I note that two of the third-party appeals (John Walsh and Whitestown Residents & others) have made a request for an oral hearing. I have considered the basis for these requests and the grounds raised in the respective appeals. However, having regard to the nature of the site and the surrounding area, together with the nature and scale of the proposed development and the relatively low level of complexity involved, I consider that there is adequate information on the file for the purposes of determining this case. I do not consider that an oral hearing would be warranted and, therefore, **I recommend that an oral hearing should not be held for the reasons outlined above.**

8.2. This case involves a first-party appeal and eight third-party appeals. I acknowledge that the first-party appeal relates to financial contributions only, and the provisions of section 48 of the Act which allow the Board to restrict its consideration to such conditions only. However, in light of the receipt of other third-party appeals the appeal must be considered as if the application was made to the Board in the first instance.

8.3. I have considered all of the documentation and drawings on file, the planning authority reports, the submissions from prescribed bodies and third-party submissions, the statutory Development Plan, as well as relevant national policy, regional policy and section 28 guidelines. Having regard to the foregoing, I consider that the main planning issues arising from the proposed SHD development can be addressed under the following headings:

- Principle of Development
- Building Height and Quantum of Development
- The Standard of Residential Development Proposed
- Impacts on Existing Residential Amenity
- Daylight and Sunlight
- Design, Layout and Visual Amenity
- Social/Community Infrastructure and Public Open Space
- Traffic and Transport
- Other Matters.

#### 8.4. **Principle of Development**

8.4.1. The application site is zoned MC 'Major Town Centre' under the Fingal Development Plan 2023-2029, the objective for which is to '*Protect, provide for and/ or improve major town centre facilities*'. The vision for this zone is to consolidate and further develop Major Towns by densification of appropriate commercial and residential developments ensuring a mix of commercial, recreational, civic, cultural, leisure, residential uses, and urban streets, while delivering a quality urban environment which will enhance the quality of life of resident, visitor and workers alike. The zone

aims to strengthen retail provision in accordance with the County Retail Strategy, emphasise urban conservation, ensure priority for public transport, pedestrians and cyclists while minimising the impact of private car-based traffic and enhance and develop the existing urban fabric. All of the proposed uses (i.e. residential, retail, office/professional services, gym (recreational), restaurant/café (including ancillary take-away), community facility, place of worship, childcare, parking, and telecommunications are confirmed as 'permitted in principle' within this zone.

8.4.2. I note that several parties in this case have raised the issue of master planning and the need for an overall strategy for the area. In this regard, I would clarify that the 2009 Framework / Masterplan for Blanchardstown was not a statutory document and has not been incorporated into the recently adopted Development Plan. Similarly, the Draft Urban Framework Plan prepared by the applicant is clearly not a statutory document. It has simply been prepared to enable the consideration of the current proposal within a wider planned context of potential development. From a policy perspective, the Development Plan outlines the intention to prepare a Framework Plan for the area. And while such a plan-led approach would provide welcome clarity and consistency, I am satisfied that the absence of a Framework Plan should not prevent the consideration of development proposals in the meantime. Therefore, the proposed development will be considered with due regard for the potential future development of the surrounding area.

8.4.3. The appeals also question the classification of the site as 'brownfield', particularly given that it is located within a valuable retail area where planning policy aims to protect and promote the retail function. I accept that brownfield land can have different definitions depending on the context. However, I am satisfied that the subject site is consistent with the definition in the Sustainable Residential Development Guidelines, which is '*any land which has been subjected to building, engineering or other operations, excluding temporary uses or urban green spaces*'.

8.4.4. I also acknowledge the importance of retail uses at this location and its prominent position within the local/regional retail hierarchy, details of which I have outlined in section 6 of this report. I note the various development plan policies and objectives (including EEO91 and EEO92) which aim to strengthen the town centre at the highest level of the retail hierarchy. I accept that the existing car parking within the site has a value and function associated with the existing retail park and this will be

assessed in further detail in section 8.11 of this report. However, I consider that this should be seen in the wider context of Development Plan policies which seek to consolidate and densify underutilised lands, including additional residential development as outlined in the MC zoning objective for the site. In this regard, I consider that the existing car park use can be seen as an underutilisation of land given the Development Plan zoning and vision for the area.

- 8.4.5. The subject site comprises only a minor portion of the overall MC zone and, accordingly, I am satisfied that retail would remain the predominant use. As outlined, in the planning history of the area (section 5 of this report), permission has been granted for several retail extensions in recent years and I am satisfied that there is significant potential for further retail consolidation and expansion. Furthermore, residential and retail uses are complementary, and the existing retail function would be strengthened by the introduction of a significant additional population and customer base in the area. I note that the MC zone and other mixed-use zones have been included in the Development Plan land capacity assessment, thereby indicating its important and accepted contribution towards housing delivery.
- 8.4.6. Having regard to the foregoing, I am satisfied that residential development at this location would be consistent with Development Plan policy and would not compromise the position of Blanchardstown Town Centre within the overall retail hierarchy. Accordingly, I would have no objection to the principle of the development subject to further assessment of normal parameters as in the following sections.

## 8.5. **Building Height and Quantum of Development**

- 8.5.1. The development has a height of up to 16 storeys and contains 971 no. apartments at a density of 303 units per hectare and a plot ratio of 3:1 (for residential site only). When the other uses/floorspace are considered on the larger site (3.749ha) the plot ratio is 3.2:1.

### Density / Height Policy

- 8.5.2. In terms of national policy and guidance, I note that the 2009 Guidelines on 'Sustainable Residential Development in Urban Areas' recommend that increased densities should be promoted in town centres and 'brownfield' sites, and that there should be no upper limit on the number of dwellings that may be provided within any

town centre site. The Guidelines also encourage increased densities in 'public transport corridors', which includes locations within 500 metres walking distance of a bus stop, or within 1km of a light rail stop/rail station. It also states that the capacity of public transport (e.g. no. of train services during peak hours) should be taken into consideration. In general, minimum net densities of 50 dwellings per hectare should be applied and specified in LAPs, with the highest densities being located at rail stations / bus stops.

- 8.5.3. Chapter 3 of the *Building Height Guidelines* outlines a presumption in favour of buildings of increased height in our town/city cores and in other urban locations with good public transport accessibility. It outlines broad principles for the consideration of proposals which exceed prevailing building heights, including the extent to which proposals positively assist in securing National Planning Framework objectives of focusing development in key urban centres, and the extent to which the Development Plan/LAP comply with Chapter 2 of the Guidelines and the NPF. SPPR 3 outlines that, subject to compliance with the criteria outlined in section 3.2 of the Guidelines, the planning authority may approve such development, even where objectives of the development plan or local area plan may indicate otherwise.
- 8.5.4. Section 2.4 of the Apartments Guidelines states that 'Central and/or Accessible Urban Locations' are generally suitable for higher density development. Such areas are stated to include:
- Sites within walking distance (i.e. up to 15 minutes or 1,000-1,500m), of principal city centres, or significant employment locations, that may include hospitals and third-level institutions;
  - Sites within reasonable walking distance (i.e. up to 10 minutes or 800-1,000m) to/from high capacity urban public transport stops (such as DART or Luas); and
  - Sites within easy walking distance (i.e. up to 5 minutes or 400-500m) to/from high frequency (i.e. min 10 minute peak hour frequency) urban bus services.
- 8.5.5. The Development Plan supports the principle of increased height and density at suitable locations in accordance with the criteria outlined in the aforementioned national guidance documents.

### Site Location and Public Transport Services

- 8.5.6. Having regard to the foregoing policy provisions, it is clear that national policy and guidance outlines support for increased height/density in town centres and public transport corridors. In terms of the site location and context, I acknowledge the third-party contentions that the site is more akin to a suburban retail park than a town centre. However, irrespective of its current context and character, I consider that the site should be seen as 'town centre' given the Development Plan aims to encourage the development of the zone with a greater mix of uses and a quality urban environment.
- 8.5.7. In relation to employment locations and the criteria outlined in section 2.4 of the Apartment Guidelines, I note that the site is c. 2km walking distance from facilities such as Connolly Memorial Hospital and TUD Blanchardstown, which is greater than the stated range of up to 1.5km. However, the existing town centre retail area is clearly within the 1.5km range and in my opinion, this would be considered a significant employment location.
- 8.5.8. Regarding public transport services, I note that the application includes a Public Transport Capacity Assessment which examines the existing rail and bus services. The site is within c.2km walking distance of Coolmine rail station. This is outside the stated range of up to 1km as per the Apartments Guidelines, albeit that it would still be a valuable and feasible commuter option for many residents at peak time intervals of c. 15 mins. The site is also serviced by a wide range of bus services including the Blanchardstown Town Centre interchange as the main focal point offering peak frequencies of less than 10 mins for the main service routes.
- 8.5.9. The applicant's assessment details the results of a bus survey (September 2022) which demonstrates that bus routes have significant average spare capacity in the region of 70%. The 39A route was deemed busiest with the lowest spare capacity of c. 33%, which is still considered significant. It also examines data for usage of Coolmine rail station and demonstrates that patronage (pre-pandemic) decreased significantly, suggesting '*enormous levels of spare capacity*'. The assessment estimates that an additional 134 public transport bus trips would be generated from the proposed development in the AM peak and demonstrates that there would still be spare seated capacity of at least 60%. The cumulative impact of the other permitted

development on Site B/C (P.A. Ref. No. FW22A/0047) was also considered, which would still leave a spare seated capacity of at least 57%. I consider that the applicant has carried out a suitable assessment of existing public transport capacity and I am satisfied that it is more than sufficient to meet the needs of the development.

- 8.5.10. In addition to existing services, the applicant's assessment also considers the impact of planned infrastructure in the form of BusConnects and DART+ West. It compares the existing bus routes with those proposed under BusConnects and demonstrates a significant improvement in the range and frequency of services. It also outlines that the DART+ project will treble the size of the electrified DART network and concludes that the upgraded rail service will undoubtedly benefit some future residents.

#### Core Strategy

- 8.5.11. I note that Objective CSO3 aims to ensure compliance with housing supply targets and states that proposals with the potential to exceed the allocation for a particular settlement as set out under Table 2.14 must demonstrate that the necessary social and physical infrastructure is in place or will be provided. Table 2.14 outlines a potential yield of 4,495 units for the Blanchardstown – Mulhuddart LEA. It outlines that extant units total 917, which would result in a cumulative total of 1,888 units with the proposed development. It is not clear whether the 'extant' total includes the 352 units recently permitted under P.A. Reg. Ref. FW22A/0047, or whether any other major developments in the LEA need to be considered. However, it would appear that there is still significant capacity within the allocation of 4,495 units. In any case, the allocation can be exceeded where adequate physical and social infrastructure applies, and these issues will be considered as part of this assessment.

#### Conclusion

- 8.5.12. Regarding the building height, density, and quantum of development, I have outlined that Development Plan policy does not contain any absolute upper limits on what can be permitted, subject to further assessment and compliance with national policy and guidance. In this regard, I am satisfied that the appeal site is within a 'brownfield' town centre location. It is within walking distance of a significant employment area within the town centre and is within easy walking distance to/from high frequency urban bus services with significant spare capacity. Accordingly, I am satisfied that the site complies with the definition of 'central and/or accessible urban locations' as

per the Apartment Guidelines, and that increased height and density would be acceptable in accordance with national policy and guidance which seeks to promote compact development, particularly in town centres and public transport corridors.

- 8.5.13. Of course, the proposed height and density requires further assessment of its suitability, with particular regard to design and layout and its impact on the surrounding environment, infrastructural capacity, and neighbouring properties. These issues will be addressed in the following sections of my report.

## 8.6. **The Standard of Residential Development Proposed**

- 8.6.1. The planning authority has considered the standard of residential development proposed with reference to the Apartments Guidelines. It generally outlined satisfaction with the proposed development in terms of housing mix, apartment/room size and dimensions, aspect, private open space, lifts and stair cores, separation distances, and communal facilities etc. The new Development Plan standards are consistent with those of the Apartments Guidelines and, therefore, it is not proposed to revisit all these matters as they have not been challenged in any significant way in the appeal. The outstanding issues in relation to residential standards are discussed under the following headings.

### Housing Tenure / Mix

- 8.6.2. At the outset, I note that some observers have questioned the nature of the proposal and suggest that the units would be for rental purposes. In the interests of clarity, I would confirm that this is not a Build-to-Rent (BTR) proposal as defined in the Apartments Guidelines (2020) and it shall not be assessed as such. Accordingly, there is no indication that the proposal would not provide a suitable mix of tenure for prospective occupants.
- 8.6.3. The development proposes a mix of apartments including studios (12.04%), 1-beds (37.89%), 2-bed 3-person (7.8%), 2-bed 4-person (35.66%), and 3-bed (6.59%). The Development Plan does not include any specific requirements for the mix of housing units, but rather generally requires an appropriate/balanced mix as units to meet the needs of residents. I note that third parties have raised concerns about a perceived high proportion of smaller units and a lack of larger 3-bed units.



- 8.6.4. The Apartments Guidelines highlight the need for greater flexibility, including removing restrictions in relation to apartment mix. SPPR 1 outlines that developments may include up to 50% one-bedroom or studio type units (with no more than 20-25% of the total proposed development as studios), and that there shall be no minimum requirement for apartments with three or more bedrooms. It allows for statutory plans to specify an apartment mix, but only further to an evidence-based Housing Need and Demand Assessment (HNDA).
- 8.6.5. With a total of 49.93% studio/1-bed units and only 12.04% studio units, the proposed development would comply with SPPR 1. Furthermore, as previously outlined, the Development Plan does not specify an alternative mix requirement on foot of an evidence-based HNDA. Therefore, I consider that the proposed housing mix is acceptable in accordance with SPPR 1 of the Apartments Guidelines.

#### Part V proposals

- 8.6.6. The application includes a proposal for the provision of 97 no. 'Part V' units and it has been confirmed that Part V discussions have been held with the local authority. However, I appreciate that valid concerns have been raised in the FCC reports regarding the proposed concentration of Part V units. This includes 94 of the 97 units being located within Block B, which itself includes only a marginally higher total of 101 units. I would agree that a more varied dispersal of units would be desirable and that this matter should be agreed with the planning authority by condition in the event of a grant of permission.
- 8.6.7. I note that third parties have expressed disappointment about the proportion of social and affordable housing proposed, with some suggesting that it should comprise up to 50% of all units. However, I would accept that the applicant's proposal for 10% is consistent with legislative provisions for sites acquired between 1<sup>st</sup> September 2015 and 31<sup>st</sup> July 2021 as outlined in section 96(3)(j) of the Planning and Development Act of 2000 (as amended). Accordingly, I have no objections in this regard.

#### Communal Facilities

- 8.6.8. Although not a mandatory requirement of the Apartments Guidelines, the proposal includes a place of worship (347m<sup>2</sup>), a small community facility (82m<sup>2</sup>), and resident amenity facilities (total 1,439m<sup>2</sup>). These communal facilities are distributed throughout the proposed scheme, mainly at ground floor level, and are intended for

use as social/recreation spaces. In accordance with section 4.6 of the Apartments Guidelines, I acknowledge that such communal facilities should not generally be imposed in the absence of proposals and/or agreement by the applicant. However, I am satisfied that the proposals will adequately meet the on-site communal requirements of the occupants.

- 8.6.9. The Guidelines also state that notwithstanding the Planning Guidelines for Childcare Facilities (2001), the threshold for provision of any such facilities should be established having regard to the scale and unit mix of the proposed development; the existing geographical distribution of childcare facilities; and the emerging demographic profile of the area.
- 8.6.10. I note that 485 of the proposed units are 1-bed/studio units which do not generally contribute to a requirement for any childcare provision, resulting in a requirement to serve 486 units. The vast majority of those remaining units are 2-bed apartments (422 no. units) and the Apartment Guidelines acknowledge that childcare requirements may not even apply to those. Using the standards outlined in the Childcare Guidelines (i.e. 20 spaces for every 75 houses), the proposed development (excluding studio/1-bed units) would require a capacity of c. 130 spaces. The applicant has included a childcare facility (548m<sup>2</sup>) with a capacity of 100 to 137 spaces based on the accepted industry standard of 4-5m<sup>2</sup> per child. Having regard to the low proportion of units with more than 2 bedrooms (6.5%), I consider that the proposed facility is adequate to serve the proposed apartments.

#### Communal Open Space

- 8.6.11. Based on the requirement outlined in Appendix 1 of the Apartments Guidelines, the proposed development requires 5,762m<sup>2</sup> of communal open space. The application proposes 6 no. communal courtyard areas with a total area of 4,161 sq.m at surface / podium level and 7 no. communal external roof terraces with a total area of 2,692 sq.m in Blocks A, B, C, E, F and G. The total communal open space proposed is 6,853 sq.m., which comfortably exceeds the requirement of 5,762m<sup>2</sup>.
- 8.6.12. The proposed spaces are well distributed throughout the scheme, and they are accessible, usable and secure. The Landscape Design Statement and associated drawings outlines a comprehensive planting and materials strategy for the spaces, and I am satisfied that this would create a range of attractive communal facilities. I

note that third parties have raised concern about the principle of roof terrace spaces, but the Apartment Guidelines acknowledge that roof gardens can be accepted subject to suitable design and climatic factors. The proposed communal spaces have been assessed by the applicant in respect of noise, wind, and sunlight, and have been deemed acceptable apart from a minor sunlight shortfall for the courtyard between Block F and G. I have considered climatic factors in sections 8.7, 8.8, and 9.9 of this report and I am satisfied that the communal spaces would be to an acceptable standard of residential amenity.

### Play Facilities

- 8.6.13. Objective DMSO68 of the Development Plan aims to ensure the provision of playground facilities at a rate of 4m<sup>2</sup> per residential unit, while Objective DMSO50 requires the monetary value in lieu of play facilities to be in line with the Fingal County Council Development Contribution Scheme. The Apartment Guidelines also acknowledge the need for developments such as this to cater for communal children's play as follows:
- within small play spaces (about 85 – 100 sq. metres) for the specific needs of toddlers and children up to the age of six, with suitable play equipment, seating for parents/guardians, and within sight of the apartment building,
  - within play areas (200–400 sq. metres) for older children and young teenagers.
- 8.6.14. The proposed development includes a total of 1,227m<sup>2</sup> play space. The majority of this (877m<sup>2</sup>) is provided at ground floor level (mainly in communal areas), while 350m<sup>2</sup> is proposed within the roof terraces. A total of 327m<sup>2</sup> is proposed for toddlers and children up to 6 years old. It is noted that the Apartments Guidelines requirements in this regard (85 – 100m<sup>2</sup>) apply to schemes of 25+ apartments with 2 or more bedrooms. The proposed scheme includes 486 units of 2+ bedrooms but it should be noted that the Guidelines do not require the stated space for every 25 units. In my opinion, the guidelines outline a requirement for at least one such space, although it is understandable that additional spaces would be expected in larger schemes such as this one. For older children and younger teenagers, a total of 900m<sup>2</sup> is proposed in response to the Apartments Guidelines requirements for 200–400m<sup>2</sup> in schemes of 100+ apartments with 2 or more bedrooms. Again, this would apply to the 486 units, but would not be required for every 100 units. However, even

when this elevated standard is applied, the application would provide approximately 200m<sup>2</sup> for every 107 units, which would be only a marginal shortfall.

- 8.6.15. I note that the proposed development does not meet the requirements stated in Development Plan Objective DMSO68. This standard is consistent with that of the previous Development Plan (DMS75) which led to the imposition of condition no. 35 of the FCC decision i.e. a special contribution under Section 48(2)(c) of the Act €1,724,496 (based on 4m<sup>2</sup> x 971 units @ €444 per m<sup>2</sup>). The condition states that the special contribution is required to go towards the improvement of play facilities in Millennium Park and Tolka Valley Park. I also acknowledge that the proposed play spaces do not comply with Objective DMSO69, which requires equipped playgrounds to be no less than 0.02 hectares and have a minimum of one piece of play equipment for every 50m<sup>2</sup>.
- 8.6.16. There is, therefore, a clear difference between the play requirements of the Apartments Guidelines and those more onerous standards in the Development Plan. This raises something of an inconsistency within the Development Plan as it contains numerous references to the standards of the Apartments Guidelines, including sections 3.5.10.1 and 14.7, Policy SPQHP35, and Objective DMSO24. In particular, section 14.7 confirms that the requirements of the Apartments Guidelines, including play space, must be complied with.
- 8.6.17. In this regard, I am satisfied that the applicant has complied with the baseline quantitative requirements of the Apartments Guidelines (i.e. for the first 25 units (toddlers/young children) and first 100 units (older children/young teenagers). Furthermore, I consider that the additional space proposed in excess of those minimum requirements is adequate to cater for the nature and scale of the proposed development, particularly given the small proportion of 3-bed units proposed (i.e. 64 units). I consider that the other Development Plan requirement of 3,884m<sup>2</sup> would be excessive in this town centre context, particularly considering that it would constitute 12% of the net residential site development area. I do not consider this feasible or desirable for an accessible town centre site where increased density should be encouraged in accordance with national, regional and local planning policy. I am also satisfied that the proposed play spaces have been adequately designed to cater for a range of play needs as outlined in the Landscape Design Statement. Accordingly, and notwithstanding the Development Plan Objectives DMSO68 and DMSO69, I do

not consider that there is a shortfall in play space given that the proposal complies with the Apartments Guidelines, and I do not consider that a monetary contribution in lieu of play space/facilities would be warranted.

- 8.6.18. In the event that the Board considers that there is a shortfall in play space, I would highlight that condition no. 35 was imposed as a special contribution under section 48(2)(c) of the Act. This provision allows for special contributions where specific exceptional costs not covered by a development contribution scheme are incurred by a local authority in respect of public infrastructure and facilities which benefit the proposed development. Section 48(12) also outlines that any such condition shall specify the particular works carried out, or proposed to be carried out, by any local authority to which the contribution relates.
- 8.6.19. Further guidance is contained in the Development Management Guidelines for Planning Authorities (DoEHLG, 2007). This states that it is essential that the basis for the calculation of the special contribution should be explained in the planning decision. This means that it will be necessary to identify the nature/scope of works, the expenditure involved and the basis for the calculation, including how it is apportioned to the particular development. Circumstances which might warrant the attachment of a special contribution condition would include where the costs are incurred directly as a result of, or in order to facilitate, the development in question and are properly attributable to it.
- 8.6.20. Having regard to the legislation and guidance on special contributions, I do not consider that the basis for condition no. 35 is either 'specific' or 'exceptional'. The condition refers generally to the improvement of play facilities in Millenium Park and Tolka Valley Park but does not specify the nature/scope of the particular works to be carried out. I note that the FCC response to the first party appeal quotes expenditure of €444 per m<sup>2</sup>. However, this is apparently estimated based on typical experience rather than any specific works/project. Furthermore, while I acknowledge that the suggested improvement works would benefit the residents of the proposed development, I do not consider that the costs would be incurred directly as a result of, or in order to facilitate, the proposed development. Accordingly, even in the event that the Board considers that there is a shortfall in play space, I do not consider that a special development contribution would be warranted.

- 8.6.21. The FCC Development Contribution Scheme 2021-2025 is the operating scheme under Section 48 of the Planning & Development Act 2000 (as amended). The scheme outlines the classes of infrastructure for which contribution shall be paid, including 'Class 3: Community & Parks facilities and Amenities', and 'Appendix 11 – Project Lists' outlines that the cost of improvements to Tolka Valley Park and Millennium Park have been factored into the scheme. Furthermore, I note that Objective DMSO50 of the Development Plan requires that the monetary value in lieu of play facilities to be in line with the Fingal County Council Development Contribution Scheme.
- 8.6.22. Having regard to the above, I consider that the costs stated in condition no. 35 have already been incorporated into the Development Contribution Scheme and the Development Plan clearly outlines that any perceived shortfall in play facilities should be applied accordingly. The Development Contribution Scheme does not include any specific costs for play facilities, and I am satisfied that these would be covered under 'Class 3: Community & Parks facilities & amenities'. This would be consistent with Table 14.11 of the Development Plan which outlines that all types of public open space/parks would incorporate a significant element of play provision. Therefore, in the event that the Board considers that there is a shortfall in play space, I consider that it would be adequately covered by the Development Contribution Scheme as per condition no. 38 of the FCC decision.
- 8.6.23. In summary and conclusion, it is my opinion that the proposed development would provide adequate play space and facilities in accordance with the requirements of the Apartments Guidelines (which are also referenced in the Development Plan). Therefore, I do not consider that a financial contribution in lieu of any shortfall is required. In the event that the Board does consider that there is shortfall, I do not consider that a special contribution would be warranted, and I would be satisfied the applicant would be appropriately contributing towards the provision of play facilities through payment under 'Class 3' of the Development Contribution Scheme. If the Board still considers that a shortfall applies, I would consider it reasonable to deduct the proposed 1,227m<sup>2</sup> of play facilities from the stated requirement of 3,884m<sup>2</sup>, resulting in a net shortfall of 2,657m<sup>2</sup>. There is no specific clarity on the rate that would be chargeable to any such shortfall and, therefore, it would be open to the

Board to adjudicate between the FCC estimate of €444 per m<sup>2</sup> and the applicant's suggestion of €350 per m<sup>2</sup>.

## **8.7. Impacts on Existing Residential Amenity**

- 8.7.1. The proposed development would be located on the south-eastern side of Blanchardstown Road South, opposite a large residential area including the Whitestown, Sheepmoor, Fortlawn, and Hillbrook Woods estates. This residential area is of relatively low density and largely comprises 2 to 3-storey buildings. I note that a range of concerns have been raised by local residents concerning impacts on residential amenity, particularly due to the height and scale of the proposed development.
- 8.7.2. These properties are separated from the proposed development by Blanchardstown Road South, which is a busy 4-5 lane carriageway at this point. The road would largely form a separation of at least 35 metres between existing houses and the proposed blocks (E, F, and G) which range up to 12 storeys. The separation distance for the 14-storey block D would be increased to c. 45 metres. In addition to the separation distance, the high level of traffic activity on the road also forms a significant buffer between the existing houses and the appeal site. There are c. 60 trees (Tree Group 1) along the southeast side of the road, and these would be removed as part of the proposed development. However, the landscaping plan proposes a new green buffer along this edge including new tree planting.
- 8.7.3. The Development Plan (including Objective DMSO23) outlines that a minimum separation distance of 22 metres between opposing rear first-floor windows will generally apply in the case of apartments up to three storeys in height. In taller blocks, a greater separation distance may be prescribed to avoid negative effects such as excessive overlooking, overbearing and overshadowing. In certain instances, depending on orientation and location in built-up areas, reduced separation distances may be acceptable. The proposed development does not oppose the rear windows of adjoining properties and the Development Plan does not outline any specific standards for development opposing front windows.
- 8.7.4. In recognition of the NPF preference for performance-based standards appropriate to location, the Apartments Guidelines advise against blanket restrictions on building separation distance. The Guidelines highlight a need for greater flexibility in order to

achieve significantly increased apartment development in Ireland's cities and points to separate guidance to planning authorities as outlined in the Building Height Guidelines.

- 8.7.5. As previously outlined, the proposed development would significantly exceed the stated Development Plan standard of 22 metres. I acknowledge that this is not directly applicable as it relates to rear windows, although I would submit that a lesser distance may apply to public-facing front windows given that the 'rear' of properties is generally more sensitive in terms of privacy and amenity etc. I also acknowledge that the 22m distance only generally applies to development up to 3-storeys and that greater distances may be appropriate in taller developments. In this regard, I note that the proposed separation distance of 35-45 metres is up to double the 22m standard. The busy road should also be seen as a mitigating factor as the high level of activity would form a significant buffer between the existing houses and the proposed development.
- 8.7.6. I acknowledge the significant height and scale of the proposed development in comparison to existing development. However, I would submit that significantly increased height and density should be encouraged at this location in accordance with national and local policy to promote compact sustainable development. In this context, I consider it reasonable that there would be a significant transition in terms of height and scale on a 'major town centre' site compared to the existing low-rise low-density residential area. Therefore, having considered the orientation of adjoining development which generally fronts onto a busy public road, I am satisfied that adequate separation distances have been provided and that the height and scale of the proposed development would not result in any unacceptable overlooking or overbearing impacts on surrounding residential properties.
- 8.7.7. Third party concerns have also been raised in relation to noise and disturbance. Chapter 9 of the applicant's EIAR outlines a comprehensive analysis of noise and vibration effects on existing ambient levels at nearby sensitive receptors. Existing noise levels were surveyed at four locations, including 'Location 2' opposite the residential properties to the northwest.
- 8.7.8. The EIAR acknowledges the potential for greatest noise and vibration impacts at construction stage, including noise from plant and equipment. It details the noise



emissions from plant items and the relevant LAeq values, using a distance of 60m for the nearest noise sensitive locations. I note that the nearest houses would be within c.35m of the proposed blocks, although this would occur for only a minimal extent of the overall site. Therefore, I would accept that a distance of 60m would be applicable to the vast majority of the development. Nonetheless, the EIAR acknowledges that predicted noise levels for the wheel loader and dumper slightly exceed the recommended noise limit of 65 dB(A). It concludes that local terrain and planting factors are likely to reduce the predicted noise to acceptable levels, although mitigation measures will be applied in any case.

- 8.7.9. The construction phase mitigation measures will comply with the requirements of BS 5228-1:2009+A1:2014 and BS 5228-2:2009+A1:2014 (Code of Practice for Noise and Vibration Control on Construction and Open Sites) as well as Safety, Health and Welfare at Work (General Application) Regulations 2007, Part 5 Noise and Vibration. In particular, the Construction Environmental Management Plan (CEMP) will implement a range of noise and vibration mitigation measures.
- 8.7.10. During the Operational Phase of the development, no significant sources of noise or vibration are expected. The primary source of outward noise in the operational context relates to any changes in traffic flows along the local road network and any operational plant noise used. Chapter 12 of the EIAR concludes that no traffic routes are predicted to experience increases of more than 25% in total traffic flows and therefore no detailed assessment is required as per the DMRB Guidelines. A noise assessment based on the results of a noise model also concludes that all residents will enjoy a 'Good' internal noise environment and I am satisfied that this would apply equally (or more so) to the existing properties at a significant distance on the opposite side of a busy road.
- 8.7.11. After the imposition of mitigation measures, the EIAR concludes that no residual noise or vibration effects are predicted. I am satisfied that the EIAR has identified the potential impacts at construction and operational stage. I accept that there is particular potential for increased impacts at construction stage, which is simply an unavoidable element of urban development. However, I am satisfied that the mitigation measures will satisfactorily limit any impacts to acceptable standards, including those for the closest residential properties within c. 35m to the nearest block. I am also satisfied that operational impacts associated with increased traffic,

plant, and other activity on the site would be acceptable. Accordingly, I have no objections in relation to noise and vibration impacts.

8.7.12. The EIAR also addressed other potential impacts on residential amenity. Chapter 4 considers impacts on 'population and human health', chapter 8 considers 'air and climate', and chapter 12 considers 'material assets' (including traffic). These chapters address other concerns raised by surrounding residents, including construction stage dust and fume emissions, as well as traffic-related noise and air emissions. Again, I acknowledge the potential for disturbances related to these factors, particularly during the temporary construction phase. However, as outlined in section 9 of this report, I am satisfied that appropriate mitigation measures would be applied to prevent any unacceptable impacts on residential amenity.

8.7.13. Having regard to the foregoing, I do not consider that the proposed development would unacceptably detract from the privacy or amenity of surrounding properties by reason of overlooking or overbearing impacts. Furthermore, I am satisfied that temporary construction disturbance impacts would be consistent with standard urban development of this scale and that operational impacts such as traffic, noise and air emissions would be limited in the context of the overall scale of development in the surrounding area. Subject to mitigation measures and appropriate conditions, I do not consider that the proposed development would result in any unacceptable impacts on local residents. Other potential impacts, including those relating to daylight/sunlight and traffic, will be addressed in later sections of this report.

## 8.8. Daylight and Sunlight

8.8.1. This section of the report assesses the impact of daylight and sunlight, both within the proposed development and for surrounding properties.

### Policy

8.8.2. Section 3.2 of the Building Height Guidelines outlines that the form, massing and height of proposed developments should be carefully modulated so as to maximise access to natural daylight, ventilation and views and minimise overshadowing and loss of light. The Guidelines state that '*appropriate and reasonable regard*' should be taken of quantitative performance approaches to daylight provision outlined in guides like the BRE (BR 209) 'Site Layout Planning for Daylight and Sunlight' (2nd edition,

2011) or BS 8206-2: 2008 – ‘Lighting for Buildings – Part 2: Code of Practice for Daylighting’. Where a proposal may not be able to fully meet all the requirements of the daylight provisions above, this must be clearly identified and a rationale for any alternative, compensatory design solutions must be set out, in respect of which the planning authority or An Bord Pleanála should apply their discretion, having regard to local factors including specific site constraints and the balancing of that assessment against the desirability of achieving wider planning objectives. Such objectives might include securing comprehensive urban regeneration and / or an effective urban design and streetscape solution.

8.8.3. The Sustainable Urban Housing Design Standards for New Apartments Guidelines (2020) also highlight the importance of provision of acceptable levels of natural light in new apartment developments, which should be weighed up in the context of the overall quality of the design and layout of the scheme and the need to ensure an appropriate scale of urban residential development. It states that planning authorities ‘*should have regard to*’ guides like the BRE (BR 209, (2011)) or BS (8206-2 (2008)) when quantitative performance approaches are undertaken by development proposers which offer the capability to satisfy minimum standards of daylight provision. Again, where an applicant cannot fully meet these daylight provisions, this must be clearly identified and a rationale for any alternative, compensatory design solutions must be set out, which planning authorities should apply their discretion in accepting.

8.8.4. The Development Plan also acknowledges the importance of good levels of sunlight and daylight for both existing and proposed developments. It states that development shall be guided by the principles of the BRE Guide (2011) and/or any updated guidance. Objective DMSO22 requires daylight and sunlight analysis for all proposed developments of 50+ units or as required by the Planning Authority.

#### Information & Assessment

8.8.5. The application is accompanied by two reports prepared by GIA Chartered Surveyors. One of the reports considers the conditions provided within the proposed development, while the other report considers the impact on neighbouring properties. The impacts on neighbouring properties are assessed based on the updated BRE Guide of 2022 and acknowledge that the document is intended to be read in

conjunction with the interior daylight recommendations in British Standard, BS EN 17037 and its UK National Annex. For the standards within the proposed development, GIA have carried out an assessment of both the new 2022 BRE guide (including BS EN 17037 and its UK National Annex) and the previous 2011 edition (including BS 8206-2 (2008)) which informed the design of the proposed development.

- 8.8.6. I note the publication of the new (3<sup>rd</sup>) edition of the BRE Guide in June 2022, and the applicant's statement that the earlier 2011 version was used in pre-application discussions over a significant period. I also note that the updated British Standard (BS EN 17037:2018 'Daylight in Buildings) replaced the 2008 BS in May 2019 (in the UK) and that the UK National Annex brings recommended light levels for dwellings more in line with the former 2008 BS. Accordingly, I acknowledge that the relevant standards and guidance are going through a transition period.
- 8.8.7. The Development Plan acknowledges this transition and allows for flexibility by stating that development shall be guided by the principles of the BRE Guide (2011) 'and/or' any updated guidance. The relevant national guidance (i.e. the Building Height Guidelines and the Apartments Guidelines) also allow for flexibility in methodology by stating that regard should be taken of guidance/standards 'like' the BRE Guide (2011) or BS (8206-2 (2008)). Therefore, I am satisfied that the applicant's assessment is based on guidance/standards 'like' those referenced in national and local policy. The methodology employed for the assessment of daylight and sunlight is suitably robust and is based on documents that are considered authoritative on the issues of daylight and sunlight. Therefore, I consider it appropriate to apply these standards in my assessment.
- 8.8.8. At the outset, I would also highlight that the standards described in the BRE guides allow for flexibility in terms of their application. Paragraph 1.6 of the guides states that the advice given '*is not mandatory*', '*should not be seen as an instrument of planning policy*', and '*Although it gives numerical guidelines, these should be interpreted flexibly since natural lighting is only one of many factors in site layout design*'. The guides note that other factors that influence layout include considerations of views, privacy, security, access, enclosure, and microclimate etc.

8.8.9. In this assessment I have considered the reports submitted by the applicant and have had regard to BR 209 (2011), BS 8206-2 (2008), BR 209 (2022), and BS EN17037:2018 (including the UK National Annex). I have carried out a site inspection and had regard to the interface between the proposed development and its surroundings, as well as the submissions from 3<sup>rd</sup> parties and the local authority which have raised issues in relation to daylight and sunlight.

#### Daylight to existing dwellings

8.8.10. The applicant's report assesses the daylight impact for existing dwellings by calculating Vertical Sky Component (VSC), which is the ratio of the direct sky illuminance falling on the outside of a window, to the simultaneous horizontal illuminance under an unobstructed sky. The BRE guides outline that a VSC of 27% should achieve enough sky light, but that occupants of existing buildings will notice reduced daylight if VSC is both less than 27% and less than 0.8 times its former value.

8.8.11. The assessment considers 22 properties to the west and north of the proposed development, which I consider to be representative of worst-case impacts. Of the 70 windows assessed, only 6 windows (or 9%) would not meet the BRE standards. I would accept that this is a minor proportion of windows and that the transgressions are similarly minor where they occur (i.e. the lowest value is 24.8%). Given the flexibility applicable to BRE standards I would have no objections to these minor daylight impacts.

#### Sunlight to existing dwellings

8.8.12. The BRE guides recommends that loss of sunlight should be checked for main living rooms of dwellings, and conservatories, if they have a window facing within 90° of due south. If the centre of the window can receive more than one quarter of annual probable sunlight hours, including at least 5% of annual probable sunlight hours in the winter months between 21 September and 21 March, then the room should still receive enough sunlight. If the window already receives less than this, a reduction to less than 0.8 times its current value and a reduction of more than 4% of annual probable sunlight hours over the year may lead to the room it serves appearing colder and less cheerful and pleasant.

8.8.13. The applicant's assessment considers the same 22 dwellings to the west and north of the site, which I consider to be appropriate. It assesses 58 relevant windows and confirms that 57 windows (98%) comply with the BRE standards. The only transgression is a window in 15 Whitestown Walk and relates to winter sunlight only. I consider that this constitutes only a minor transgression which affects only a small side window of no. 15. Accordingly, having regard to the flexibility in the application of the BRE guidelines, I do not consider that the proposed development would result in unacceptable sunlight impacts for existing properties.

#### Loss of sunlight to existing gardens and open spaces

8.8.14. For existing outdoor amenity areas, the BRE guides recommend that at least half of the space should receive at least two hours of sunlight on 21st March. If, as a result of new development, the area which can receive 2 hours of sunshine on the 21<sup>st</sup> March is reduced to less than 0.8 times its former value, then the loss of sunlight is likely to be noticeable.

8.8.15. The applicant's report includes a 'Transient Overshadowing Assessment', including drawings of projected overshadowing at hourly intervals on the 21<sup>st</sup> March. I consider that potential impacts are limited to the existing gardens and open spaces serving the Whitestown and Hillbrook properties to the west and north of the site. However, the applicant's assessment demonstrates that the proposed development would have only minimal impacts on these areas over the 21<sup>st</sup> of March and I am satisfied that the impacts would be acceptable in accordance with BRE standards.

#### Daylight to proposed habitable rooms

8.8.16. Based on the 2011 BRE Guide, all habitable rooms have been assessed for daylight quantity (Average Daylight Factor (ADF)) and distribution (by means of No Sky Line (NSL) and Room Depth Criterion (RDC)). ADF is a measure of overall daylight in a space and standards are based on BS 8206-2 (2008) minimum values of 2% for kitchens, 1.5% for living rooms, and 1% for bedrooms. Applying these standards, including the higher 2% standard for combined Living/kitchen/dining (LKD) rooms, 2,112 (or 89%) of the 2,385 rooms would achieve the recommended levels. This figure would increase to 2,229 (or 93.5%) if a lower 1.5% standard was applied to combined LKD rooms.

- 8.8.17. I am satisfied that the lower 'living room' target (i.e. 1.5% ADF) can be considered for combined rooms. The higher 2% ADF target is more appropriate in a traditional house layout. In apartment developments, it is a significant challenge for large open plan kitchen/living/dining rooms to achieve 2% ADF, and even more so when higher density and balconies are included. Therefore, there are often challenges in urban schemes in meeting the 2% ADF in all instances. To do so may unduly compromise the design/streetscape quality and an alternate 1.5% ADF target is often considered to be more appropriate. Therefore, I will have regard for both the 1.5% and 2% ADF targets in this assessment.
- 8.8.18. The assessment acknowledges that a remaining 156 rooms (6.5%) would receive lower levels of daylight (i.e. less than 1.5% ADF), including 125 LKDs. However, it highlights that 102 of those LKDs would achieve acceptable levels of at least 1%; good levels of sky visibility would be retained; the areas at the front of the larger rooms would likely achieve 1.5% ADF; and daylight restrictions are somewhat attributable to private balconies, which are an accepted compensatory measure. In relation to bedroom standards, the assessment highlights that the majority of transgressions are marginal and sky visibility is still considered good.
- 8.8.19. The applicant's assessment also considers the 2022 BRE Guide, including references to EN17037:2018 "Daylight in buildings". I note that the recommendations of EN17037 were intended for internal areas of all types and the target values would be very difficult to achieve for domestic rooms in an urban environment. The UK National Annex recognises this and sets alternative targets to be achieved over half the reference plane, i.e. 100 lux in bedrooms, 150 lux in living rooms and 200 lux in kitchens. The results and conclusions of the applicant's report are drawn against the UK National Annex targets, including the use of 200 lux for LKDs and studios.
- 8.8.20. The results show that 88% of all tested rooms meet the BRE illuminance levels. Again, for the reasons previously outlined, I would accept the applicant's suggestion that the lower 150 lux value for living rooms should also be considered for the LKDs, which would increase the compliance rate to 92%. Of the 170 LKDs which do not meet the 150-lux value for 50% of the room area, 62 achieve it for at least 40% of the room area, and 99 would achieve 100 lux for over 30% of the room area. Only 29 bedrooms would not comply with the standards, 10 of which would be only by a marginal degree.

8.8.21. The applicant's assessment acknowledges that a low proportion of units would be below the recommended BRE standards, and that the Apartments Guidelines (2020) provide for alternative, compensatory design solutions and discretion based on context and wider planning objectives. I have already outlined that the Building Height Guidelines provide for similar discretion in the context of SPPR3 and the section 3.2 criteria. In this regard, I am satisfied that the application has clearly identified where the proposal does not meet the daylight provisions of 'BS 8206-2: 2008' and EN17037:2018 (including the UK National Annex). I am satisfied that this would constitute a minor portion of the overall development and that this would not be untypical of a high-density town centre development. Furthermore, the applicant includes compensatory measure which are discussed later in this report.

#### Sunlight to proposed dwellings

8.8.22. The 2011 BRE report outlines that a dwelling will appear reasonably sunlit if it has at least one main window wall facing within 90° of due south and the centre of at least one window to a main living room can receive 25% of annual probable sunlight hours (APSH), including at least 5% of annual probable sunlight hours (WPSH) in the winter months between 21 September and 21 March.

8.8.23. The applicant's report includes APSH and WPSH assessments. It concludes that 70.5% of living rooms facing due south would comply with the BRE standard for APSH, and that 80% would comply with the standard for WPSH. It outlines that lower sunlight levels are experienced on the lower floors where balconies would act as compensatory shading devices for summer sunlight.

8.8.24. The 2022 BRE guide refers to BS EN17037, which recommends minimum, medium and high recommended levels for sunlight exposure. This is measured via the duration received to a point on the inside of a window on a selected date (21st March) and gives a minimum target of 1.5 hours, medium target of 3 hours, and high target of 4 hours. Section 3.1 of the Guide outlines that a dwelling will appear reasonably sunlit if it has at least one main window facing within 90° of due south and a habitable room, preferably a main living room, can receive at least 1.5 hours on sunlight on 21<sup>st</sup> March.

8.8.25. The applicant's results show that 606 (62.5%) of the 971 rooms assessed comply with the minimum standard of 1.5 hours. In addition, it is stated that 66 units have at



least one room with a southern aspect with good sunlight levels, which results in 70% of units being in line with the sunlight guidance. Of the remaining 299 units, it is stated that 254 have a northern aspect with a naturally lower expectation of sunlight. Lower levels are seen in 45 no. south-facing units on the lower floors where balconies act as shading elements. However, it is suggested that these balconies have compensatory elements in terms of shading and sunlight enjoyment on the balconies.

- 8.8.26. I acknowledge that the sunlight criteria are unlikely to be met for all apartments, particularly where rooms face significantly north of due east or west and where higher density schemes are proposed. Notwithstanding this, I consider that the proposed scheme achieves a high level of compliance with both the 2011 and 2022 BRE standards. I would highlight that the requirements for alternative, compensatory design solutions (as per the Apartments Guidelines and Building Height Guidelines) apply to daylight provisions, not sunlight. Notwithstanding this, I note that the application proposed compensatory measures which are discussed later in this report.

#### Sunlight to proposed open spaces

- 8.8.27. The BRE Guides recommend that at least half of the proposed space should receive at least two hours of sunlight on 21st March. All proposed communal outdoor areas have been assessed using this methodology. Overall, 80% of all proposed spaces would comply with the standards on 21st March. In addition, studies have been carried for the summer months which show excellent sunlight levels, with the vast majority enjoying at least 4.5 hours of sunlight in June. Only the courtyard between Blocks F and G would not meet the standard, although this space would meet the 50% threshold on 13<sup>th</sup> of April. The applicant submits that this is an acceptable shortfall and points to the inclusion of compensatory roof terraces on Blocks F and G with excellent sunlight levels.
- 8.8.28. I acknowledge that only 18.5% the courtyard between Blocks F and G will receive at least 2 hours of sunlight on the 21<sup>st</sup> of March, which is to be expected given its location within the overall scheme. However, this should be seen in the context that the other spaces would experience elevated sunlight levels well in excess of the 50% standard. Furthermore, I consider that any deficiencies are also compensated by the

overall size of communal space, which is provided well in excess of the Apartments Guidelines standards. Accordingly, I have no objections in relation to the standard of sunlight proposed for open spaces.

#### Compensatory Measures

8.8.29. As previously outlined, the applicant has identified instances where the BRE and/or BS standards are not met. In response to the requirements as outlined in the Apartments Guidelines and the Building Height Guidelines, the applicant has demonstrated how compensatory measures have been incorporated to address any daylight deficiencies for each individual apartment. I have considered these measures, which include the following:

- Rooms achieve at least 1.5% ADF or 150 lux (for 50% of the room area and half of the daylight time), passes the No Sky Light test, and has a floor area and/or balcony larger than the minimum recommendation.
- Rooms achieve at least 1.5% ADF or 150 lux (for 50% of the room area and half of the daylight time) and has a floor area and/or balcony larger than the minimum recommendation.
- Rooms achieve at least 1% ADF or 100 lux (for 50% of the room area and half of the daylight time) and has a floor area and/or balcony larger than the minimum recommendation.
- Rooms has a floor area and/or balcony larger than the minimum recommendation.

#### Conclusions on Daylight and Sunlight

8.8.30. In conclusion, I would again highlight that the standards described in the BRE guidelines allow for flexibility in terms of their application. And while the Apartments Guidelines and the Building Height Guidelines state that appropriate and reasonable regard should be had to the quantitative approaches as set out in guides like the BRE BR209 (2011) and BS 8206-2: 2008 publications, where it has been identified that a proposal does not fully meet the requirements of the daylight provisions and a rationale for alternative, compensatory design solutions has been set out, the Board can apply discretion having regard to local factors including site constraints and the need to secure wider planning objectives.

- 8.8.31. I have considered the issues raised by 3<sup>rd</sup> parties and the local authority in carrying out this daylight/sunlight assessment, including concerns about impacts on daylight/sunlight to neighbouring dwellings. I am satisfied that the applicant has carried out a competent assessment of impacts on the proposed development and neighbouring properties in accordance with the BRE/BS guidance and methodology.
- 8.8.32. I have acknowledged the instances where the relevant recommendations and standards are not fully met for both existing properties and the proposed development. However, having regard to the nature and design of surrounding development; the relatively minor scale of non-compliance with recommendations and standards; the overall quality of amenity for the prospective residents; and the central and accessible location of the site; I consider that the standard of the proposed development and its impacts on the availability of sunlight and daylight to existing properties would not result in any unacceptable impacts.
- 8.8.33. I am satisfied that alternative compensatory design solutions have been included which would significantly benefit the proposed development, particularly in relation to daylight as required by the Apartments Guidelines and the Building Height Guidelines. Furthermore, increased height and density should be encouraged at such locations in order to achieve wider NPF planning objectives relating to compact, sustainable development at such central and accessible locations. Accordingly, I am satisfied that increased height and scale of development is appropriate at this location and that, on balance, the impacts on the proposed units and surrounding properties are acceptable having regard to the need to achieve wider planning objectives including comprehensive urban regeneration and an improved urban design/streetscape environment.

## 8.9. **Design, Layout and Visual Amenity**

- 8.9.1. I note that third parties have raised serious concerns about the scale and height of the proposed development. In summary, they contend that scale and height of the proposal is excessive and would detract from the character and amenities of the area; that the scheme fails to positively contribute to placemaking and the streetscape; and that the proposed layout fails to achieve appropriate linkage and cohesion with the surrounding area.

- 8.9.2. In relation to the height and scale of development, I have outlined that the Development Plan supports the principle of compact growth through increased height and density in accordance with regional and national policy. The Development Plan does not contain any specific recommendations or limits on building height, although Objective SPQHO3 aims to prepare a Building Height Strategy and Density Study for larger urban centres. Again, it is highlighted that the Blanchardstown Town Centre Development Framework / Masterplan (2009) was a non-statutory plan and the recommendations therein (generally 4-6 storey heights) are not being applied in this assessment.
- 8.9.3. The Development Plan emphasises the importance of healthy placemaking throughout and Objectives DMSO4 and DMSO5 outline key principles and criteria in relation to placemaking and urban design. Section 14.5 of the Plan outlines guidance on consolidation of the built form. Table 14.3 outlines that design proposals for brownfield and regeneration opportunities should respect and enhance its context, including architectural character/language, height and massing, densities, materials and finishes, street frontage and mix of uses, and access and permeability. Section 14.5.3 of the Plan outlines that proposals for increased height and density should clearly demonstrate the suitability and positive impacts of the proposal with reference to the receiving environment, including justification for the height strategy proposed. This includes a demonstration of compliance with the 4 no. Specific Planning Policy Requirements (SPPR's) contained within the Building Height Guidelines, as well as consideration of the Sustainable Residential Development Guidelines and the accompanying Urban Design Manual.
- 8.9.4. The '*Urban Development and Building Heights Guidelines*' promotes Development Plan policy which supports increased building height and density in locations with good transport accessibility and prohibits blanket numerical limitations on building height. Section 3 of the 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.
- 8.9.5. The Guidelines set out broad principles and criteria for the assessment of proposals for buildings taller than prevailing heights. In response to these broad principles, I would state the following:

- Having regard to my assessment outlined in section 8.5 of this report, I consider that the proposal assists in securing the NPF objectives of focusing development on key urban centres, fulfilling targets related to brownfield/infill development, and supporting the National Strategic Objective to deliver compact growth.
- The proposal is in line with the requirements of the development plan, which has taken clear account of the requirements set out in Chapter 2 of the guidelines.

8.9.6. SPPR 3 of the Building Height Guidelines sets out that where a planning authority concurs that an application complies with the criteria outlined in section 3.2 of the Guidelines, taking account of the wider strategic and national policy parameters, the planning authority may approve such development even where specific objectives of the relevant development plan may indicate otherwise. In this case, I am satisfied that the proposal is in line with Development Plan policy and does not materially contravene any specific building height objectives. Therefore, the proposal does not rely upon SPPR 3. Notwithstanding this, I acknowledge that the proposed development would be significantly higher than the prevailing building height and I consider it appropriate to apply the criteria outlined in Section 3.2 of the Guidelines in the interests of completeness. Furthermore, together with my other references and assessments throughout this report in relation to the Apartments Guidelines and the Sustainable Residential Development Guidelines, I consider that the application of the Section 3.2 criteria will adequately cover the various design criteria and parameters set out in the Development Plan. Section 3.2 of the Guidelines outlines criteria to be assessed at various scales, as discussed in the following paragraphs.

City/Town Scale

8.9.7. I have already addressed the matter of public transport services in section 8.5 of this report. On this basis, I am satisfied that the site is well served by public transport with high capacity, frequent service and good links to other modes of public transport.

8.9.8. In terms of integration with the character and public realm of the area, I would highlight that this is not an architecturally sensitive area. It is not within an Architectural Conservation Area and the nearest Protected Structure (Coolmine Church (in ruins)) is more than 400 metres to the south of the site. Apart from the Millennium Park to the south, the surrounding area is dominated by modern

development including the commercial town centre and suburban housing. I acknowledge that the Tolka Valley Park is designated as a 'Highly Sensitive Landscape' and the Development Plan seeks to protect such areas. However, the proposed blocks would be separated from the park by c. 500 metres, including significant intervening development such as the N3 Motorway, the town centre, and the high-rise Crown Plaza hotel.

- 8.9.9. As outlined in section 9.12 of this report, the EIAR includes a Landscape and Visual Impact Assessment which is supported by a Photomontages Brochure prepared by Visual Lab. The impact of the development has been considered from 36 selected viewpoints, none of which are considered to experience a significant, negative, long-term impact. I note that third-party concerns have been raised regarding the methodology employed to generate the photomontages, but I am satisfied that the assessment has been prepared by a suitably qualified practitioner and that the images provide an adequate depiction of the proposed development to support my own site-based assessment.
- 8.9.10. In viewpoints close to the site I acknowledge that the proposed development would introduce a new built form of significantly greater height and scale than the vast majority of surrounding development. However, given that the surrounding townscape and landscape is not of a sensitive character, and having regard to the 'town centre' zoning of the site where increased scale and height would be expected, I consider that the landmark appearance of the scheme would be justified as a focal point to improve the definition and legibility of the town centre. It would introduce a significant visual contrast with Millenium Park to the south, but I consider that this would create a strong defined edge to the town centre which would be appropriate in this urban context.
- 8.9.11. In more distant views, the proposed development would not have significantly visual impacts in most cases. This includes views from the 'highly sensitive' Tolka Valley Park where I am satisfied that the proposed development would not significantly detract from the character of the landscape. In cases where there is a significant visual impact, I am satisfied that the receptors are not overly sensitive and that the proposed development would improve the definition of the town centre and/or integrate with the established visual impact of larger existing buildings such as the Crown Plaza hotel and the Liberty offices.

8.9.12. In relation to place-making, I note that the proposed layout is based around key new routes through the site to connect with Millennium Park, Whitestown, Bus Connects, the Retail Park, and the remainder of the town centre. At the central intersection of these routes is a new plaza which will create an important public space as a focal point for the development. As previously outlined in this report, I consider that the proposed height and massing would achieve the required density in accordance with local and national policy to promote compact sustainable development. However, the development would be delivered through several individual blocks which provide a variety in terms of form and scale. The height and massing create a series of local landmarks and urban markers which improve the legibility and identity of the area, including arrangements which appropriately frame the new internal routes and public plaza. The height and massing are also modulated to respond to the nature and scale of surrounding development and to create visual interest in the streetscape.

#### District / Neighbourhood / Street Scale

8.9.13. As previously outlined, the existing natural and built environment is not of any particular sensitivity or valuable character. The proposed development would provide a better utilisation of this site and would provide a strong and suitable transition between the commercial built environment to the east and the suburban housing to the west. The proposed new routes and public spaces would provide improved links between existing development and the introduction of a variety of active uses at ground level would bring a new vitality to the wider neighbourhood. Furthermore, the proposed alterations to the existing traffic environment would be more suitable to pedestrians and cyclists and would improve the attractiveness of the environment at street level. Accordingly, I am satisfied that the proposal would make a positive contribution to the urban neighbourhood and streetscape.

8.9.14. The form and massing of the development is primarily broken down through the arrangement of the development in 8 blocks around a range of principal routes and open spaces. The varied height, form, and massing of the blocks introduce further articulation and identity to the appearance of the scheme, including a range of landmark/marker buildings. Within the blocks themselves, particularly the landmark blocks, massing techniques are employed to create the appearance of separate volumes within distinctive buildings. And with regard to materials, the blocks are designed to incorporate a wide variety of materials which helps to create a distinctive

identity, both individually and collectively. The scheme would create a number of character areas which would bring improved legibility and identity to the neighbourhood. Accordingly, despite the significant height and scale of the proposal, I do not consider that it would appear monolithic in its context.

- 8.9.15. There are currently no public spaces or key thoroughfares within the site, but the proposed development would introduce new routes/spaces which would enhance the urban design context of the area. I note that the surrounding area includes Millenium Park and that the adjoining roads are key thoroughfares. However, as previously discussed, I consider that the proposed development would provide a strong and improved interface with Millenium Park and the adjoining roads. The proposed alterations to the existing road thoroughfares would also significantly improve their appearance and functionality from an urban design perspective. There is no relevant waterway/marine frontage, but a Site-Specific Flood Risk Assessment accompanies the application and confirms that the proposal would be acceptable in accordance with the principles of the Flood Risk Guidelines.
- 8.9.16. As previously outlined, I consider that the proposed development will significantly improve the legibility of this underutilised site by providing a high-density mixed-use development with a strong identity and varied form. The design and layout will positively contribute to the legibility of the site and wider urban area and will facilitate improved visual and functional integration in a cohesive manner.
- 8.9.17. The proposed development would deliver an appropriate mix of uses in accordance with the zoning objective of the site. It would provide a range of community uses and smaller commercial units which would complement the existing large-scale commercial units within the town centre. In terms of residential typologies, I consider that the proposed apartments would provide an improved mix of residential units compared to the current dominance of suburban housing. Furthermore, I consider that the proposed mix of apartments is acceptable in accordance with SPPR1 of the Apartments Guidelines.

#### Site / Building Scale

- 8.9.18. As previously outlined, the Guidelines outline that the form, massing and height of the development should be carefully modulated so as to maximise access to natural daylight, ventilation and views, and to minimise overshadowing and loss of light. In



section 8.8 of this report, I have outlined how appropriate and reasonable regard has been taken of quantitative performance approaches to daylight provision in guides like the Building Research Establishment's '*Site Layout Planning for Daylight and Sunlight*' (2nd edition), BS 8206-2: 2008 – '*Lighting for Buildings – Part 2: Code of Practice for Daylighting*', as well as more recently updated guidance on the matter.

- 8.9.19. I consider that the impacts of the proposed development on the availability of sunlight and daylight to both existing and proposed properties would be acceptable. While some shortfalls have been identified, I am satisfied that alternative, compensatory design solutions have been incorporated. Furthermore, I consider that the proposed standards are justified given the wider planning objectives including the redevelopment of this under-utilised site and the improvement of the urban design/streetscape context. I again highlight that the proposed development does not rely on SPPR 3 to justify any departure from Development Plan building height policy.

#### Specific Assessments

- 8.9.20. Finally, the Guidelines state that to support proposals at some or all of these scales, specific assessments may be required. The assessments mentioned are discussed in the following paragraphs.
- 8.9.21. Section 8.1 of the EIAR includes a microclimate assessment of wind impacts. As outlined in section 9.9 of my report, I have reviewed this assessment based on the well-established Lawson Criteria. I am satisfied that the proposed mitigation measures will satisfactorily address potential significant wind impacts and will ensure a suitable wind micro-climate for the proposed development.
- 8.9.22. Chapter 5 of the EIAR considers biodiversity, including the potential for interaction with bird/bat flight lines and/or collision. As outlined in section 9.6 of my report, I am satisfied that the proposed design, lighting, and materials will ensure that the risk of bat disturbance and bird collision is negligible.
- 8.9.23. The application includes a Telecommunications Report prepared by ISM which identifies two microwave links on the Crown Plaza building that require mitigation for retention. As mitigation measures, the application includes provision of 2 no. steel support poles on Block D to accommodate 4 no. 300mm microwave link dishes.

Accordingly, I am satisfied that the proposal allows for the retention of important telecommunication channels, such as microwave links.

- 8.9.24. I would accept that the site is not located in close proximity to any airports or airfields and that existing buildings in the area include heights of c. 13-15 no storeys. The application also includes a Glint and Glare Assessment prepared by Macroworks which confirms that there will not be any hazardous glint and glare effects upon Weston Airport or Dublin Airport as a result of the proposed roof-mounted solar PV panels. Accordingly, I do not consider that the proposal would impact on safe air navigation.
- 8.9.25. The application includes an Architectural Design Statement, a Landscape and Visual Impact Assessment and Photomontage Views Brochure included the EIAR, an Archaeological and Cultural Heritage Chapter included within the EIAR, a Landscape Design Statement, an Urban Development Statement, and a Building Heights Statement. I have considered these documents and I am satisfied that they appropriated assess and justify the urban design approach.
- 8.9.26. The application includes an EIAR, an AA Screening Report, and Chapter 5 of the EIAR adequately assesses ecological impacts. These environmental reports demonstrate that the proposed building heights would not have adverse impacts on European sites or the local environment.

### Conclusions

- 8.9.27. In conclusion, I have acknowledged the third-party concerns that the proposed development is of a significantly greater height and scale than existing development. Notwithstanding this, I consider that the proposed approach is appropriate given the need to encourage compact sustainable development on underutilised sites such as this. I have considered the relevant local and national policy in relation to design criteria and guidance, and I am satisfied that the proposed design and layout is an acceptable approach which would satisfactorily integrate will the surrounding landscape and public realm and would positively contribute to the emerging character of the area. Accordingly, I would have no objection in relation to the design, layout and visual impacts of the proposed development.

## 8.10. **Social/Community Infrastructure and Public Open Space**

### Social/Community Infrastructure

- 8.10.1. In this report I have outlined concerns raised by third parties about a lack of social and community facilities, both within the proposed development and in the surrounding area. Specific concerns include a lack of school capacity, healthcare services, and childcare facilities.
- 8.10.2. The application includes a Social and Community Infrastructure Audit / Assessment of the area within 15mins walk of the appeal site. It analyses the social and economic demographics of the area, outlines a baseline survey of existing facilities, and considers future population growth projections. The assessments predicts that the development would add a population of 2,167 persons, including a high proportion of adults.
- 8.10.3. With regard to healthcare, the assessment identifies 25 doctors' surgeries and care/health centres within the catchment area, including Blanchardstown Primary Care Centre in close proximity to the site. Connolly Hospital is located just outside the catchment area and the assessment concludes that there is excellent level of service to cater for any additional needs. It also outlines that the 7 no. commercial units proposed could be used for healthcare services if needed.
- 8.10.4. I have already addressed childcare facilities in section 8.6 of this report. The application includes a childcare facility and I have concluded that it is adequate to the serve the additional needs of the proposed apartments. In addition to this, a survey of existing facilities in the area has identified 35 facilities with a capacity of at least 862 spaces, including 21 available spaces in the short-term. A new childcare facility has also been recently permitted for the Site B/C proposal under P.A. Reg. Ref. FW22A/0047.
- 8.10.5. In relation to schools, there are 15 no. primary schools in the area, and it is calculated that the proposed development would generate a maximum extra demand of 140 places. This would represent a 2.4% increase on the total enrolment for the 15 schools (5,733). The assessment concludes that this is a minor demand increase which can be accommodated, particularly given that the 15 schools have a current availability of 818 spaces. There are 5 no. secondary schools in the area, and it is calculated that the proposed development would generate a maximum extra demand

of 99 places. This would represent a 3.2% increase on the total enrolment for the 5 schools (3,112). The assessment concludes that this is a minor demand increase which can be accommodated, particularly given that the 5 schools have a current availability of 752 spaces.

- 8.10.6. The assessment demonstrates that the area is well served by existing sports clubs and parks, including Millennium Park and Tolka Valley Park. The application includes a public plaza and a variety of other open spaces and community facilities which will also be of benefit to local residents.
- 8.10.7. In conclusion, I have considered the third-party concerns and the assessments carried out by the applicant. I accept the importance of social and community infrastructure and the need for adequate capacity to accommodate the needs of additional residential development. Having regard to the nature of the proposed development, the extent of existing social and community facilities, and the extent of additional facilities included in the proposed development, I do not consider that the proposed development would create an excessive or unacceptable demand for facilities which would be contrary to the proper planning and sustainable development of the area. Accordingly, I do not consider that refusal of permission would be warranted on these grounds.

#### Public Open Space

- 8.10.8. In accordance with Development Plan Objectives DMSO51 and CIOSO38, a minimum provision of 2.5 hectares per 1000 population is required, based on an occupancy rate of 3.5 persons for dwellings with three or more bedrooms and 1.5 persons in the case of dwellings with two or fewer bedrooms. In addition to these requirements, I would highlight the following plan provisions:

**Section 14.13.2** outlines the intention to ensure, except under exceptional circumstances, that public open space exceeds 10% of a development site area.

**Objective DMSO52** requires that public open space shall be provided in accordance with Table 14.12 (i.e. a minimum 10% of site area for infill/brownfield sites).

**Objective DMSO53** requires minimum open space, as outlined in Table 14.12, for a proposed development site area (Target minimum amount of 15% except in cases where the developer can demonstrate that this is not possible, in which case the 12% to 15% range will apply) to be designated for use as public open space. The

Council has the discretion to accept a financial contribution in lieu of the remaining open space requirement to allow provision for the acquisition of additional open space or the upgrade of existing parks and open spaces subject to these additional facilities meeting the standards specified in Table 14.11. Where the Council accepts financial contributions in lieu of open space, the contribution shall be calculated on the basis of 25% Class 2 and 75% Class 1 in addition to the development costs of the open space.

**Objective DMSO57** requires the monetary value in lieu of open spaces to be in line with the Fingal County Council Development Contribution Scheme.

- 8.10.9. Having regard to the above, it is clear that Objectives DMSO51 and CIO38 outline a total requirement for public open space of 3.96 hectares (based on 2.5ha per 1000 population). The extent of this space which must be provided within the site development area is unclear given that objectives DMSO52 and DMSO53 are contradictory with regard to minimum standards. However, based on DMSO52 and Table 14.12, I am satisfied that a 10% minimum could be applied to this brownfield site. Furthermore, I note that section 14.13.2 of the Plan suggests that less than 10% could be accepted in 'exceptional circumstances'.
- 8.10.10. It is clear that the application does not provide the Development Plan requirement of 3.96ha. The Sustainable Residential Guidelines (sec. 4.19) note the practice of including such standards in development plans but highlights the difficulty of the approach given the unpredictability of occupancy rates. It also highlights that case studies indicate that, where existing recreational facilities are available close to town and city centres, public open space provision on a strictly population basis is not appropriate. It states that apartment developments in particular, located in the inner city where bed space rates are normally high, will be unable to achieve public open space standards similar to suburban developments where bed space rates are considerably lower. However, the Guidelines also highlight that the design of public open spaces in higher density areas is more critical, requires integration with the design concept and may need to be more intensively maintained. For large infill sites or brown field sites, the Guidelines recommend a minimum public open space standard of 10% of the total site area.

8.10.11. I would concur with the above recommendation of the Sustainable Residential Development Guidelines, as opposed to the population standard approach contained within the Development Plan. Furthermore, it should be noted that the Development Plan makes numerous references to the standards outlined in the Guidelines, including sections 3.5.11.3 and 14.13.1, Policy SPQHP35, and Table 14.12 (including Objective DMSO52). In my opinion, this highlights an inconsistency between the Guidelines and the Development Plan standards. In particular, it would appear that the Guidelines' cautionary reference (sec. 4.19) to the common practice of assessing open space requirements on a population basis has been interpreted in the Development Plan as a recommendation (see Tables 4.3 and 4.12 of the Development Plan). Furthermore, the Development Plan also includes the Guidelines' recommended alternative approach as an additional minimum requirement i.e. at least 10% of the site area for infill/brownfield sites. In my opinion, this is an excessively onerous approach which effectively adopts two alternative public open space approaches. I do not consider this to be appropriate, particularly on accessible town centre sites such as this.

8.10.12. With regard to the Guidelines' minimum recommendation of 10% of the site area, I consider that this should apply to the net residential site area only (3.26ha), resulting in a requirement for 0.326ha of public open space. The application proposes public open space in the form of the public plaza (pocket park) with an area of 0.258ha. I have considered the design, location, and layout of this space, as well as the standards for public open space as outlined in the Development Plan. I am satisfied that it would be accessible to the public at large, that it would form an important visual and functional focal point within the development, and that it should be included as public open space. The first party appeal also suggests that the 'public realm improvements' (0.6198ha) should be included in calculations. However, I consider these to be mainly access/circulation routes which should not constitute public open space.

8.10.13. The proposed public plaza (0.258ha) therefore fails to meet the 10% standard of 0.326ha. In addition to the Development Plan suggestion (section 14.13.2) that a lower standard could be accepted in exceptional circumstances, the Sustainable Residential Development Guidelines highlight the need for a more flexible approach (including a relaxation of standards) to quantitative open space where residential

developments are close to the facilities of city and town centres or in proximity to public parks or coastal and other natural amenities. Section 4.17 of the Guidelines also outlines that consideration may be given to addressing any deficit through the provision of on-site indoor recreational facilities by way of a compensating amenity.

- 8.10.14. In response to the above, I am satisfied that the appeal site is close to town centre facilities and Millenium Park. I also note that the application includes indoor residential amenity facilities with a total area of 1,439m<sup>2</sup> or 0.1439ha. When this is added to the public plaza (0.258ha), the total space (c. 0.4ha) would exceed the 10% requirement of 0.326ha. Therefore, having regard to the flexible provisions of the Sustainable Residential Development Guidelines, I do not consider that there is a shortfall of public open space for this accessible town centre site which is in close proximity to existing an existing regional-level park.
- 8.10.15. Following on from the above, I do not consider that a financial contribution is warranted in lieu of a public open space shortfall. I note the inclusion of condition no. 37 of the FCC decision would impose such a requirement. The Board should note that the condition does not clarify whether it is imposed as a special contribution under section 48(2)(c) of the Act or as a standard condition under the Development Contribution Scheme.
- 8.10.16. With regard to the operative FCC Development Contribution Scheme 2021-2025, I note that the scheme outlines the classes of infrastructure for which contributions shall be paid, including 'Class 3: Community & Parks facilities and Amenities'. I also note that Objective DMSO57 of the Development Plan requires that the monetary value in lieu of open space to be in line with the Development Contribution Scheme. However, I would highlight that this 'monetary value' applies to an 'open space shortfall' as per 'Note 5' of the scheme and I do not consider that a shortfall applies in this case.
- 8.10.17. Having regard to the above, I consider that the costs stated in condition no. 37 have already been incorporated into the Development Contribution Scheme under 'Class 3: Community & Parks facilities & amenities'. Therefore, in the event that the Board considers that there is a shortfall in public open space, I consider that it would be adequately covered by the Development Contribution Scheme as per condition no. 38 of the FCC decision.

8.10.18. Otherwise, condition no. 37 could only be interpreted as a special contribution under section 48(2)(c) of the Act. I have already outlined the requirements of such conditions in section 8.6 of this report. In this regard, I do not consider that the basis for condition no. 37 is either 'specific' or 'exceptional'. The condition refers generally to open space provision and the cost of amenity works in the area but does not specify the nature/scope of the particular works to be carried out. I note that the FCC Development Contribution Scheme outlines the cost associated with open space and this forms the basis of calculating the condition. However, these are generic costs rather than a detailed costing of any specific works/project. Furthermore, while I acknowledge that the suggested open space provision/works would benefit the residents of the proposed development, I do not consider that the costs would be incurred directly as a result of, or in order to facilitate, the proposed development. Accordingly, in the event that the Board considers that there is a shortfall in public open space, I do not consider that a special development contribution would be warranted.

8.10.19. In summary and conclusion, it is my opinion that the proposed development would provide adequate public open space in accordance with the requirements and flexibilities of the Sustainable Residential Guidelines (which are also referenced in the Development Plan). Therefore, I do not consider that a financial contribution in lieu of any shortfall is required. In the event that the Board does consider that there is shortfall, I do not consider that a special contribution would be warranted, and I would be satisfied the applicant would be appropriately contributing towards the provision of open space through payment under 'Class 3' of the Development Contribution Scheme. If the Board still considers that a shortfall applies, I would consider it reasonable to deduct the proposed public plaza (0.2583ha) from the stated overall requirement (3.96ha) or the 10% on-site requirement (0.326ha), resulting in a shortfall of 3.7ha or 0.0677ha respectively. Any such perceived shortfalls would have to be charged in accordance with 'Note 5' of the Development Contribution Scheme, resulting in charges of €2,168,000 or €40,000 respectively.



## 8.11. Traffic and Transport

- 8.11.1. The application is accompanied by a Traffic and Transport Assessment (TTA) including a Design Manual for Urban for Urban Roads and Streets (DMURS) Statement; a Transport / Engineering Statement of Response to LRD Opinion; a Car Parking Management Strategy, a Stage 2 Road Safety Audit (RSA), a Residential Travel Plan (RTP); an Access, Cycle Parking and Mobility Strategy; and a Public Transport Capacity Assessment. The environmental impacts of traffic and transportation are also considered in the EIAR.

### Public Transport

- 8.11.2. The applicant's TTA and the Public Transport Capacity Assessment outline the extent and capacity of public transport infrastructure in the area. I have already discussed this matter in section 8.5 of this report. I am satisfied that the site is within a 'central and/or accessible' location as defined in the Apartments Guidelines, and that existing public transport services in the area are sufficient to meet the demands of the proposed development. This conclusion is not dependent upon the delivery of Bus Connects or any other planned transport projects. However, I do consider that planned infrastructure in the form of Bus Connects and DART+ West is likely to significantly improve the range and frequency of services, which would undoubtedly benefit future residents.

### Traffic Impact

- 8.11.3. The TTA models the traffic impact on 9 junctions. This includes 8 existing junctions which currently cater for the majority of traffic associated with the town centre, as well as the proposed new site access signalised junction (i.e. Junction 9). Vehicular trip generation was calculated using the TRICS database for 'Land Use 03 Residential / Flats Privately Owned' and 'Land Use 01 – Retail/M – Mixed Shopping Malls'. Modal share was also considered using the Census 2016 dataset for Dublin City. Based on these factors, the TTA predicts that there would be a total of 151 AM Peak car trips and 130 PM Peak car trips. The distribution of trips has been revised to take account of the revised layout and the new signalised junction access road (Junction 9). Industry standard traffic modelling software was used, including 'Arcady' to predict capacity, queues, and delays at the roundabout junctions, and 'LinSig' for signalised junctions.

- 8.11.4. The results of the capacity analysis of existing junctions are outlined in the TTA. A comparison is outlined of the 'Do-Nothing Scenario' (i.e without the development) and the 'Do-something scenario' (i.e. with the development). The ARCADY analysis is used for Junctions 1-6, with particular reference to Ratio to Flow Capacity (RFC). RFC provides the basis for judging the acceptability of junction designs and typically an RFC of less than 0.85 is considered to indicate a satisfactory performance. For Junctions 1-3, the TTA demonstrates that RFC would be only marginally increased with the proposed development and would remain below the 0.85 value. For Junction 5 the RFC would remain unchanged at a maximum of 0.32. For Junctions 4 and 6, the RFC would decrease as the new access road would redistribute traffic away from these junctions.
- 8.11.5. The LinSig analysis is used for junctions 7-9 with particular regard to 'Degree of Saturation' (DoS). DoS presents the ratio of demand flow to the maximum flow which can be passed through a junction from a particular approach. A lane with a DoS greater than 90% is considered to be approaching its theoretical capacity. The DoS for Junction 7 would remain below 90% with the proposed development. For Junction 8, the DoS would be 96.9%, although this would represent only a marginal increase on the 'Do-Nothing Scenario' which already exceeds 90% (i.e. 95%) and, therefore, I would have no objection in this regard. For Junction 9 (i.e. the new access road) the maximum DoS would be 92.1% during the PM Peak, which is approaching capacity. To minimise delays, an additional scenario was modelled using a revised layout which converted the 'left-turn' lane on the Blanchardstown Road North approach to a 'straight' and 'left-turn' lane. This would significantly reduce the DoS to a maximum of 63.7%. The TTA suggests that this could be a potential interim measure to provide additional capacity until the predicted modal shift away from the private car materialises. I acknowledge that this junction may be affected by BusConnects and therefore I would accept that some design flexibility is appropriate. The potential alterations are minor, and I would have no objection to agreement of the precise details through a condition of any permission.
- 8.11.6. The cumulative impact of traffic is assessed under the 'Do Horizon Scenario' which includes permitted/proposed developments and BusConnects as per the Draft Urban Framework Plan (Appendix 3 – Transport Study). The modelling results show that the road network will have sufficient capacity to cater for the proposed development and

other cumulative developments (Phased 1 of the UFP). There will be an assumed traffic reduction as part of BusConnects and traffic will be reconfigured by the revised road layout. The study contends that these measures will not only mitigate traffic but will improve junction performance.

- 8.11.7. Junction 8 is the only junction that would operate above capacity (DoS 105.8%), although it should be noted that the DoS would be even higher in the 'existing' scenario and therefore I consider that impacts would be acceptable. The study also suggests that the 'Snugborough Interchange Upgrade' works would likely alleviate this congestion. It acknowledges that Junctions 3-6 (which would change to signalised junctions) would experience a significant decrease in capacity but concludes that this is acceptable given that the delays would be based on increased pedestrian/cyclist safety. It also demonstrates that the impact of Junction 9 (new access road) on Blanchardstown Road would be negligible, but it would have positive impacts on Junctions 4 and 6. Through traffic within Blanchardstown Centre is also considered but it concludes that it would likely reduce to a negligible amount due to the introduction of signalised junctions and increased travel times, combined with improved travel times on the longer 'main road' route to the N3.
- 8.11.8. The study concludes that the cumulative impact of the proposed development would be long-term, neutral, and imperceptible, and that it will have no material impact on the operation of the local road network. It also states that it is based on Phase 1 of the UFP as an interim network. Later phases would involve a higher mode shift and demand management measures which would further reduce vehicular demand.
- 8.11.9. I note that third parties have raised concerns about the methodology and assessment of the applicant's TTA. In relation to the sites selected from the TRICS database, I consider the 'town centre' and 'neighbourhood centre' types are appropriate having regard to the 'TRICS Location Definitions – December 2008', the proximity of the site to surrounding services, and the availability of adequate public transport services. A TRICS Sensitivity Analysis (Appendix C of the TTA) was also carried out to compare the relevant sites in Dublin against the complete dataset (UK and Ireland). This confirmed that the predicted trips for the Dublin sites were only negligibly higher and, therefore, I consider it reasonable and appropriate that the TRICS estimate was used for the junction performance analysis. I am satisfied that the TTA is based on

appropriate surveying and that it outlines a comprehensive modelling exercise which is in accordance with the TII's TTA Guidelines (2014).

- 8.11.10. I note that the TTA has been based on current modal share which is likely to shift significantly from private car use, and that all trips generated are assumed to be new trips. Furthermore, the traffic count surveys for Traffic Study (as per the Draft UFP) were completed prior to the COVID-19 pandemic and have not been adjusted to take account of remote working, which is widely expected to increase and thereby reduce travel demand. Accordingly, I am satisfied that the application is based on worst-caser scenarios and travel conditions are likely to improve in the short-medium term as transport policy increasingly promotes sustainable transport modes.
- 8.11.11. Having regard to the foregoing, I am satisfied that the applicant has outlined a comprehensive prediction and assessment of traffic impacts which is based on appropriate methodology and guidance. I am satisfied that there will be no unacceptable impacts on the local road network and, accordingly, I have no objections in this regard.

### Parking

- 8.11.12. The third parties in this case have raised concerns about the parking proposals associated with the proposed development. In general, there are concerns about an inadequate provision of car-parking and the adverse impacts this will have on existing businesses and residential properties in the surrounding area. On the other hand, some third parties contend that the extent of parking is excessive and demonstrates an over-reliance on private car transport.
- 8.11.13. In terms of retail parking, it is noted that there are 1,817 existing retail spaces within the White Car Park. 760 of these spaces would be retained as retail surface parking, while the Mobility Hub will provide 532 new spaces. Therefore, there will be a total of 1,292 retail spaces, a net reduction of 525 spaces. The applicant outlines that the Retail Park comprises 27,447m<sup>2</sup> floorspace, while one of the third-party appeals (Woodies DIY Ltd) indicates that the figure is 31,000m<sup>2</sup>. In accordance with Development Plan standards the appeal site is within 'Zone 1' where a maximum of 1 space per 30m<sup>2</sup> is allowed. Even if the higher floorspace of 31,000m<sup>2</sup> is used, a maximum total of 1,033 spaces would be allowable, which would be exceeded by the proposed 1,292 spaces.

- 8.11.14. I acknowledge that not all stores within the Retail Park sell strictly bulky goods. However, any other comparison floorspace would be a minority of the overall floorspace. And even at the maximum allowable rate for any retail floorspace (1 per 20m<sup>2</sup>), I am satisfied that any additional allowance for comparison goods (other than bulky goods) would not justify the provision of additional parking. In conclusion, the proposed parking (1,292 spaces) exceeds the maximum allowable for the main retail warehouse use of the retail park and, accordingly, I do not consider that there would be any unacceptable deficit in the quantum of spaces. Furthermore, I am satisfied that the exceedance of the maximum allowance is acceptable in this case given that the proposal involved a significant net reduction of 525 spaces.
- 8.11.15. In addition to the simple quantum of spaces, third parties have raised concerns about the nature and quality of the proposed new spaces, particularly within the mobility hub. It has been argued that the retail park is dependent upon surface level parking and that the proposed multi-level parking layout is not suitably accessible for the type of bulky goods generally sold within the retail park.
- 8.11.16. The Retail Planning Guidelines outline that a retail park comprises an agglomeration of retail warehouses grouped around a common car park selling mainly bulky household goods, and that there is an expectation that most of the goods purchased can be transported off-site by the customer. However, there are no provisions in the Guidelines or the Development Plan which require surface level parking and I consider that multi-storey parking for retail parks would not be unprecedented or unacceptable. The Mobility Hub has been designed in accordance with 'Design Recommendations for Multi-Storey and Underground Car Parks' (The Institution of Structural Engineers, March 2011) to allow for appropriate circulation of vehicles. Lifts have been provided to facilitate the transport of bulky goods and I am satisfied that any larger goods (e.g. furniture etc.) would generally be transported separately by delivery vehicles.
- 8.11.17. Furthermore, I would highlight that the proposal will improve accessibility to the retail park. Firstly, the new access road would provide a more direct link to and from the N3 road. Secondly, the multi-storey approach has the advantage of consolidating car-parking closer to the existing retail units. The existing surface level arrangement obviously covers a large area with some spaces being up to 200 metres from the

nearest store. The revised arrangement would consolidate spaces significantly closer to the existing stores and would remove the more remote existing spaces.

8.11.18. I note the third-party concerns regarding the clarity of parking availability, particularly during the construction phase. However, the applicant’s response to the appeals has clarified that access to the existing surface carpark to the east of the Mobility Hub will not be restricted from the commencement of phase 1a; that the reconfiguration of parking will take place outside retail hours; and that this area will remain accessible for customers throughout the remaining construction process. Therefore, the majority of the proposed (operation stage) retail spaces would remain available during the construction phase. I consider this to be acceptable given that there are no minimum parking requirements for retail parks. Furthermore, the construction stage impacts would be temporary and short-term, and I consider that such inevitable disturbances can be acceptably accommodated in the interest of achieving wider planning objectives such as regeneration, more compact growth, and the improvement of the urban environment.

8.11.19. In conclusion, I consider that surface level parking is an inefficient use of this land, and that multi-storey parking should be supported in the interests of sustainable compact growth. I am satisfied that the proposed parking would be suitably accessible to cater for retail customers and that, accordingly, the proposed parking would not unacceptably impact on the vitality or viability of the town centre zone.

8.11.20. In relation to residential parking, the scheme proposes 487 spaces within the basement carpark. Again, the Development Plan allows for greater flexibility in the application of car parking standards on sites in areas with varying levels of road and public transport provision. A ‘maximum’ approach applies to ‘zone 1’ areas such as the appeal site. The applicable Development Plan standards for the proposed residential units can be summarised as follows:

<b>Unit Type</b>	<b>No. of Units</b>	<b>Development Plan Standard (maximum)</b>	<b>Required Spaces (maximum)</b>
1-2 beds	907	0.5 space	453
2-3+ beds	64	1 space	64
Visitor spaces	971	0	0

<b>Total</b>	<b>971</b>		<b>517</b>
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- 8.11.21. I again emphasise that the Development Plan standards are a maximum threshold rather than a minimum requirement. Therefore, the proposed 487 spaces amount to c. 94% of the maximum allowable parking.
- 8.11.22. Consistent with the Development Plan standards, Chapter 4 of the Apartments Guidelines states that parking requirements should be minimised, substantially reduced or wholly eliminated in certain circumstances for higher density apartment developments in 'central and/or accessible urban locations'. Consistent with this approach, NPO13 of the NPF and the Building Height Guidelines of 2018 support a performance-driven approach towards land use and transportation.
- 8.11.23. In this regard, I have already concluded in section 8.5 of this report that the site is within a central and/or accessible urban location as described in the Apartment Guidelines. Therefore, I have no objection in principle to reduced car parking provision within the proposed development. And given that 94% of the maximum allowable Development Plan standard would be achieved, I do not consider that there is a reasonable basis to conclude that there is a shortfall in residential parking.
- 8.11.24. In cases where reduced parking is accepted, the Apartment Guidelines states that it is necessary to ensure, where possible, the provision of an appropriate number of spaces for drop-off, servicing, visitors, and mobility impaired. Provision is also to be made for alternative mobility solutions including car-sharing and cycle facilities, and specific measures that enable car parking provision to be avoided. In this regard I consider that this large site contains ample provision for drop-off areas and delivery/servicing requirements for both residential and commercial units (as outlined in the 'Access, Cycle Parking & Mobility Strategy'). I am also satisfied that residential visitor parking is not required in accordance with Development Plan standards for 'zone 1'.
- 8.11.25. A Residential Travel Plan (RTP) has been prepared and modal share targets aims to promote sustainable transport options (walking, cycling, public transport) from 63% (as per Census 2016 dataset for Dublin City) to 65%. It aims to reduce car transport from 37% to 35%. The RTP Action Plan outlines a range of measures including the appointment of a part-time co-ordinator; the provision and promotion of facilities for

cycling, car-sharing, etc.; information on local facilities and services; and ongoing monitoring of progress.

8.11.26. I am satisfied that these measures satisfactorily assist in enabling car-parking provision to be reduced. And together with the proximity of the development to public transport and pedestrian/cycle networks, as well as emerging national policy which seeks to reduce reliance on private car transport, I consider that the proposed rate of car-parking is acceptable and that it has been appropriately designed to serve the proposed apartments. I also note that a car-parking management strategy has been included which will ensure that parking is suitably managed and controlled to avoid overspill to the surrounding commercial and residential areas.

8.11.27. In relation to cycle parking, I note that a total of 2,008 no. spaces is proposed. This includes 1,522 no. spaces for residents and 486 no. spaces for visitors in a variety of arrangements throughout the scheme. This quantum is consistent with the Apartment Guidelines requirements of 1 space per bedroom and 1 visitor space per 2 apartments. The cycle facilities would be appropriately designed and distributed throughout the proposed development, and I would have no objections in this regard. Separately, I note that the Mobility Hub includes additional provision for 252 cycle and e-mobility facilities, including cargo bikes, e-bikes, e-scooters, lockers and maintenance facilities. I am satisfied that this will further encourage active and sustainable travel.

#### Pedestrian / Cycle movement

8.11.28. Pedestrian and cycle access to the proposed development is provided via footpaths and cycleways both surrounding and within the scheme. The TTA includes statements demonstrating how these facilities have been designed to prioritise pedestrian movement to comply with DMURS and the National Cycle Manual. The 'Access, Cycle Parking and Mobility Strategy' also demonstrates the access routes for pedestrians and cyclists in and around the development, as well as the various supporting facilities for storage, maintenance, etc. I am satisfied that the pedestrian/cyclist infrastructure has been designed to comply with the relevant standards and that it would promote active sustainable transport modes in accordance with national planning and transportation policy.



8.11.29. I note that some third parties have raised concerns about a lack of clarity on pedestrian/cyclist arrangements and an associated lack of detailed assessment. I acknowledge that condition no. 17 of the FCC decision includes several matters to be agreed with the planning authority, including (b) the detailed design of Junction 9 and the existing roundabout including associated pedestrian/cycle arrangements, and (c) provision of a continuous footpath from the creche to the associated drop-off area. However, I consider these to be relatively minor matters in the overall context and it would not be uncommon or inappropriate to agree detailed design measures by condition. Any such alterations would not materially impact on the scheme unless they would have the benefit of a new separate permission. Therefore, I am satisfied that a full and comprehensive assessment of pedestrian/cyclist facilities can be carried out and that there are no reasonable grounds for objection in this regard.

#### Traffic Safety

8.11.30. In addition to compliance with design standards as previously outlined, a Stage 2 Road Safety Audit (RSA) has been completed. I am satisfied that the RSA has appropriately identified the relevant problems and that these issues have been satisfactorily addressed in the application drawings and documents. The proposed development would provide an improved traffic environment which would prioritise the movement of pedestrians and cyclists. This would be an improvement on the existing layout, and I do not consider that there would be any unacceptable traffic hazard impacts.

#### Planned Transport Infrastructure

8.11.31. The application takes full cognisance of the planned BusConnects Project and includes alternate layout options to accommodate the proposed development 'with' and 'without' BusConnects. I acknowledge that BusConnects is currently going through the planning process and, therefore, there can be no definitive timeframe confirmed for its delivery. However, as previously outlined in this report, I am satisfied that existing transport services are sufficient to cater for the proposal and it is not, therefore, dependent on BusConnects. This has been reflected in the alternate layouts which provide a range of options relating to road layouts, pedestrian/cyclist facilities, and public transport facilities. The phasing arrangements

have detailed proposals for the 'with' and 'without' scenarios and I have no objection to either proposal.

8.11.32. I note that the previous Development Plan contained several written objectives to support a light rail corridor to serve the Blanchardstown area. The current Development Plan does not contain such written objectives, although I note that the 'mapped objectives' do include a 'Light Rail Corridor' and an 'Indicative Light Rail Stop' along the road network to the south of the site. Any light rail extension to Blanchardstown is not included in the Greater Dublin Area Transport Strategy 2022-2042, although it is included in a list of potential schemes for delivery post 2042. Ultimately, I consider that the proposed development is not directly linked to or dependent upon any such light rail infrastructure. Furthermore, I am satisfied that the proposed development can be delivered at this stage without adversely compromising the potential future delivery of a light rail scheme.

#### Paid Parking

8.11.33. Although the application did not propose any paid parking system, third-party concerns have been raised about the introduction of paid car parking charges and associated commercial impacts as a result of condition no. 17(a) of the FCC decision. This condition requires a future review of the need for commercial parking for the White Car Park and the Mobility Hub. From a review of the FCC 'Transportation Planning Section' report, it would appear that this requirement arises around concerns about the lack of proposals to control usage timeframe through a barrier system or similar.

8.11.34. Development Plan Objective DMSO121 requires new retail developments with more than 50 car parking spaces to have paid parking arrangements in place. This also applies to existing retail developments which propose to increase their car parking to more than 50 spaces. Accordingly, given that the proposed development involves a significant net decrease of 525 spaces, I do not consider that the objective applies or that it would be reasonable in these circumstances. I am satisfied that the parking management strategy will adequately address the matter and I do not consider that any further conditions are required.

### Traffic & Transport Conclusion

8.11.35. Having regard to the foregoing, I consider that the proposed development would provide a development which would be appropriately designed to promote sustainable transport modes. This would be consistent with local and national transportation planning policy which aims to reduce reliance on the private car and would not unacceptably impact on the safety or capacity of the surrounding road network; the viability of the overall town centre; the residential amenity of surrounding properties; or the delivery of planned transport infrastructure such as BusConnects.

### 8.12. **Other Matters**

#### Procedural Issues

8.12.1. Third parties have raised concerns about several procedural issues associated with the application. These include a perceived excessive period of pre-application consultation, an inadequate period of public consultation, and an inadequate consideration of third-party submissions.

8.12.2. I note that Section 247 pre-application consultations were held in advance of commencing the LRD process. There is no statutory time limit for section 247 consultations. Statutory time limits only apply once the LRD consultation process commences, and the LRD application was made (9<sup>th</sup> November 2022) within 6 months of the planning authority issuing its LRD Opinion (25<sup>th</sup> July 2022). Public consultation was facilitated in accordance with statutory requirements and timeframes and third parties have had the opportunity to address any perceived inadequacies of the FCC assessment through this appeal process. Accordingly, I do propose to raise any concerns in relation to procedural requirements.

#### Legal matters

8.12.3. Some of the third parties have raised concerns about the lease agreements for the commercial units within the retail park. They contend that the lease agreements entitle the tenants to car parking availability which will be significantly affected by the proposed development. I have addressed the matter of car parking previously in this report and I have advised that the proposals would be consistent with Development Plan standards and the proper planning and sustainable development of the area.

Any perceived implications for lease agreements are an entirely separate legal matter which would require civil resolution between the relevant parties. Accordingly, I have no objection in this regard.

#### Fire Safety

- 8.12.4. Some concerns have been raised that the existing level and capacity of fire services are inadequate to accommodate the proposed development. Fire safety standards are outlined in the Building Regulations 2006 (Technical Guidance Document B). Therefore, compliance with TGD B will be assessed under a separate legal code. The developer will be required to apply for a Fire Safety Certificate and that process will afford the opportunity to address compliance with TGD B in accordance with legislative provisions. Therefore, I consider that the issue of compliance with Building Regulations need not concern the Board for the purposes of this appeal.

#### Regulation of Commercial Institutional Investment in Housing

- 8.12.5. In May 2021, the Minister published Guidelines for Planning Authorities on the Regulation of Commercial Institutional Investment in Housing. These Guidelines identify planning conditions to which planning authorities and the Board must have regard in granting planning permission for new residential development including housing and/or duplex units. This is intended to ensure that own-door housing units and duplex units in lower density housing developments are not bulk-purchased for market rental purposes by commercial institutional investors in a manner that displaces individual purchasers and/or social and affordable housing, including cost rental housing. The application of these conditions applies to all housing developments that include 5 or more houses and/or duplex units.
- 8.12.6. As previously outlined, the current application is not a 'Build To Rent' proposal. It consists solely of apartments and does not include more than 5 'own-door' houses or duplex units. Accordingly, I do not consider that a condition to restrict the development to individual purchasers would be applicable in the event of a decision to grant permission.

#### Timeframe & Phasing

- 8.12.7. The application seeks a 10-year permission, which is largely based around an estimated 4-year construction period. The applicant also highlights that additional

time would be required for the tendering process etc., and on this basis contends that a 5-year permission could only be delivered in a 'best case scenario'.

Separately, I would acknowledge that although the project is not dependent upon BusConnects, some flexibility may be appropriate to tie-in with the future delivery of this important transport infrastructure project. This may have implications for the length of the construction/delivery period.

- 8.12.8. However, the potential timeframe must be balanced with the need for the timely delivery of housing and the need to minimise construction-related disturbance for surrounding businesses and residents. In that context, I consider that the proposed 10-year period would be excessive and that it would be appropriate to apply a 7-year period through a condition of any permission.
- 8.12.9. The application includes a phasing report which proposes the delivery of the scheme in three phases. Phase 1a prioritises enabling works including road and junction upgrades (including new Junction 9), site services and utilities, as well as the construction of the mobility hub (including commercial and community uses) to facilitate reconfiguration of the existing parking arrangements. Phase 1b includes Blocks A and B (347 no. apartments) and associated basement car parking, communal open space, public open space, public realm works, pedestrian crossing to Millennium Park, and the childcare facility. The following two phases will see the delivery of the remaining Blocks C-F, which will mainly comprise 624 no. apartments and the associated commercial floorspace and communal open space. Having regard to the above, I am satisfied that the proposed development appropriately frontloads the necessary social/community and physical infrastructure to facilitate the needs of existing and future development.
- 8.12.10. Three phasing scenarios are proposed to facilitate the delivery of BusConnects subsequent to, parallel with, or in advance of the proposed development. I note that the application includes correspondence from the National Transport Authority which outlines that proposals are consistent with BusConnects and that a Heads of Agreement has been signed to allow the project to proceed on the applicant's land. Having regard to the foregoing, I consider that the phasing of the application appropriately allows for the accommodation of BusConnects under all reasonable scenarios. Accordingly, I have no objections in this regard.

## 9.0 Environmental Impact Assessment (EIA)

### 9.1. Introduction

9.1.1. This section sets out an Environmental Impact Assessment (EIA) of the proposed project and should be read in conjunction with the planning assessment above. The development provides for 971 residential units, 7 no. commercial units, 1 no. community facility, 1 no. place of worship, a childcare facility, residential amenity spaces, a mobility hub, open spaces, parking facilities, along with associated road works, site works, and services on a site area of 6.62 ha. A number of the topics and issues addressed in the planning assessment (section 8 of this report) concern environmental matters. However, where relevant, I have cross-referenced between sections to avoid unnecessary repetition.

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

*i) Construction of more than 500 dwelling units*

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

9.1.3. The development is clearly within the class of development described at 10(b)(i) of the regulations as it would exceed the scale/threshold of development (i.e. more than 500 units) to require an environmental impact assessment. It is also an urban development project as per 10(b)(iv), which defines a 'business district' as '*a district within a city or town in which the predominant land use is retail or commercial use*'. I consider that this area would come within the definition of a 'business district' and, therefore, the proposed development (involving 6.62ha) would exceed the applicable 2ha threshold outlined in sub-section (iv) above. An EIAR has been submitted with this application.

9.1.4. The EIAR contains a Non-Technical Summary (Vol. 1), the EIAR (Vol. 2), and supporting appendices (Vol. 3). Chapters 1-3 set out an introduction and description of the proposed development (including alternatives considered), as well as the

planning and policy context. Chapters 4 to 14 describe and assess the likely significant direct, indirect and cumulative effects of the proposed development in accordance with the relevant factors listed in Article 3(1) of the 2014 EIA Directive, including the interactions between factors. The proposed mitigation and monitoring measures are summarised in Chapter 15.

9.1.5. This section of my report evaluates the information in the EIAR and carries out an independent and objective environmental impact assessment (EIA) of the proposed project in accordance with the requirements of relevant legislation. In carrying out an independent assessment, I have examined the information submitted by the applicant, including the EIAR, as well as the written submissions made to the planning authority and the Board as set out in Sections 4 and 7 of this report.

9.1.6. I am satisfied that the information contained in the EIAR has been prepared by competent experts (as outlined in the 'quality assurance and competence sections of each relevant chapter') to ensure its completeness and quality; that the information contained in the EIAR and supplementary information adequately identifies and describes the direct, indirect and cumulative effects of the proposed development on the environment; and that it complies with article 94 of the Planning and Development Regulations 2001 (as amended) and the provisions of Article 5 of the EIA Directive 2014.

9.1.7. I am satisfied that the participation of the public has been effective, and that the application has been made accessible to the public by electronic and hard copy means with adequate timelines afforded for submissions. I note that some third-parties have raised concerns that the EIAR has not adequately addressed some issues including the consideration of 'alternatives', impacts on 'land', and the absence of clarity/agreement on the full extent of cycle/pedestrian infrastructure. However, for the purposes of EIA, I am satisfied that the EIAR is suitably robust and contains the relevant levels of information, as is demonstrated throughout my overall assessment.

## 9.2. Consideration of Alternatives

9.2.1. Article 5(1)(d) of the 2014 EIA Directive requires the following:

*“a description of the reasonable alternatives studied by the developer, which are relevant to the development and its specific characteristics, and an indication of the main reasons for selecting the chosen option, taking into account the effects of the development on the environment.”*

9.2.2. Annex (IV) of the Directive (Information for the EIAR) provides more detail on ‘reasonable alternatives’:

*2. A description of the reasonable alternatives (for example in terms of project design, technology, location, size and scale) studied by the developer, which are relevant to the proposed project and its specific characteristics, and an indication of the main reasons for selecting the chosen option, including a comparison of the environmental effects.*

9.2.3. Chapter 4 of the EIAR deals with ‘Alternatives’. The reasonable alternatives examined can be summarised as follows:

- Do Nothing: The site would remain as a car park and there would be no increase in traffic, noise, dust or waste. However, the site would fail to positively contribute to NPF objectives regarding compact growth and housing delivery.
- Alternative locations: The theoretical development of a greenfield site was considered. However, it was deemed that there would be a greater environmental impact compared to the proposed site, which is developed, underutilised, does not react to its context, and is of little or no ‘green’ value.

The purchase of another site with permission for a similar development was also considered, which was discounted due to lack of availability and capital requirements. Additionally, the applicant has already secured permission for a similar development on nearby sites (i.e. Sites B and C, P.A. Reg. Ref. FW22A/0047 refers).

- Alternative Uses: The proposed development is ‘permitted in principle’ under the zoning objective. Potential alternative retail/recreational uses are acknowledged



but residential use would be the best option given national housing policy and targets. The residential use would complement the adjoining zoning for 'HT-High Technology' employment uses.

- Alternative designs and layouts: The design complies with the requirements of the Development Plan and has been developed through consultation with the relevant authorities and between the design team. The proposal ensures design continuity and coherence with the other permitted development (Site B & C). It is a high density, high-quality, mixed-use development, close to large employment and transport options. It is considered that the layout of the scheme as proposed is the optimal solution for the lands and the design ensures that the development potential of a strategically positioned and underutilised plot is maximised.
- Alternative process: Due to the nature of the proposal it was not considered necessary to consider alternative processes.

9.2.4. I have noted the third-party concerns raised regarding a perceived inadequate examination of alternatives. However, having regard to the above alternatives as per section 2.7 of the EIAR, I am satisfied that the EIA Directive requirements in relation to the consideration of alternatives have been satisfied.

### 9.3. **Consideration of risks associated with major accidents and/or disasters**

9.3.1. Article 3(2) of the 2014 EIA Directive includes a requirement that the expected effects derived from the vulnerability of the project to major accidents and/or disasters that are relevant to the project concerned are considered.

9.3.2. Chapter 13 of the EIAR addresses this matter. It uses the Department of Defence Consolidated List of National Hazards to identify a preliminary list of potential major accident and disasters. Where relevant, it identifies where the relevant risks have been covered within the EIAR. There are no Seveso Sites within c. 1.8km of the site and, therefore, the proposed development is not considered vulnerable in this regard.

9.3.3. Regarding management plans, the EIAR outlines that Fire Safety and Emergency Response measures will be incorporated and that there are no airport Public Safety Zones within 3kms of the site. In addition to Seveso sites, it also highlights the

location of 10 no. potential Emergency Management Sites in the area (including Blanchardstown Centre) and the requirements of local competent authorities to establish External Emergency Plans for the relevant establishments.

- 9.3.4. Having regard to the relevant legislation and guidance regarding health and safety and environmental management, the EIAR concludes that residual impacts will be negligible once all control, mitigation and monitoring measures have been implemented. Having regard to the location and zoning of the site, the nature of the site and surrounding uses, and the nature and scale of the proposed development, I am satisfied that effects deriving from major accidents and/or disasters are not likely.

#### 9.4. **Assessment of the likely significant direct and indirect effects**

- 9.4.1. The likely significant effects of the development are considered below in accordance with the factors set out in Article 3 of the EIA Directive 2014/52/EU.

#### 9.5. **Population and Human Health**

- 9.5.1. Chapter 4 deals with these factors based on a desk-based study of information regarding population, age structure, economic activity, employment, and unemployment within the vicinity of the site. It identifies that the construction phase will generate employment, as well as the potential for typical health, air, noise, vibration, traffic, and visual impacts. These have been addressed in other chapters of the EIAR and the relevant standard mitigation measures will be employed.
- 9.5.2. At operation stage, it is stated that there will be positive impacts in the form of 130 jobs, increased spending, and the creation of a modern living environment with amenities and a balanced age profile. The EIAR acknowledges the potential for typical impacts relating to air quality, noise, vibration, traffic, tourism/amenities, and visual/landscape, but no significant impacts are predicted. Daylight, sunlight and overshadowing impacts have been assessed and are acceptable in accordance with the applicable flexibility and compensatory measures. A Social and Community Infrastructure Assessment has been carried out and facilities will be sufficient to cater for the needs of the proposed development.
- 9.5.3. The EIAR also considers other permitted developments in the area. Potential cumulative traffic impacts are identified but these will be addressed in the CEMP and

by traffic and transport proposals. The development will have positive cumulative effects in the form of employment, access, and transport infrastructure by allowing movement through a previously impermeable area. No negative residual impacts in the context of population and human health are anticipated.

9.5.4. Some third parties have raised concerns in relation to impacts on residential amenity and an inadequate quality and mix/tenure of housing being proposed. However, in sections 8.6 and 8.7 of this report I have outlined that the standards and impacts on residential amenity would be acceptable. I have also addressed third-party concerns about social and community infrastructure (see section 8.10) and I do not consider the impacts to be unacceptable. Human health concerns relating to air quality are addressed separately in section 9.9 of this report and it is concluded that impacts would not be unacceptable.

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

## 9.6. **Biodiversity**

9.6.1. Chapter 5 of the EIAR considers the effects of the development on biodiversity based on the relevant legislation / guidance, a desktop study, and several field studies. The evaluation identifies ecological receptors, including European Sites, and concludes that any potential key receptors (i.e. treelines, immature woodland, bats, birds, and fish) are of only local importance.

9.6.2. It outlines that the Appropriate Assessment Screening Report ascertains that there is no likelihood of significant effects on European sites (see section 10 of this report). It acknowledges an indirect connection with the North Dublin Bay pNHA (ca.11km to the east and ca.13km downstream) via the surface water drainage outfall to the Tolka River but concludes that there is no likelihood of significant effects due to the intervening distance involved and the capacity for dilution within the receiving drainage network, the Tolka River, and Dublin Bay itself.

- 9.6.3. The EIAR concludes that the additional landscaping will have positive habitat impacts. The surveys have not established significant site suitability for bats and birds. Standard construction stage mitigation impacts will be employed to address temporary habitat loss, light, noise, and disturbance. The proposed design, lighting, and materials will ensure that the risk of bat disturbance and bird collision is negligible. Bird boxes and insect hotels will also be included to enhance biodiversity conditions. To prevent potential impacts on fish from surface water pollution, construction phase surface water management measures will be incorporated into the CEMP.
- 9.6.4. The cumulative impacts of other projects and plans have been considered and no significant impacts were identified. Subject to the implementation of mitigation measures, no significant negative residual impacts are expected on the local ecology or on any designated nature conservation sites. Having regard to Chapter 9 of the EIAR, I am also satisfied that Noise and Vibration effects will not have an adverse impact on biodiversity in the local area.
- 9.6.5. I note that some third parties have raised concerns about impacts on biodiversity, including water quality impacts on the Tolka River and Dublin Bay. However, having regard to the low biodiversity value of the site and the low sensitivity of the surrounding ecological network, including the distance of the site from the Tolka River/Dublin Bay and the proposed mitigation measures to prevent water pollution, I consider that any biodiversity concerns (including water quality) have been satisfactorily addressed. The An Taisce submission also highlights the potential for environmental impacts associated with traffic emissions and these are dealt with separately in section 9.9 (air and climate) of this report, which concludes that impacts would not be unacceptable.
- 9.6.6. Having regard to the foregoing, I am satisfied that impacts predicted to arise regarding biodiversity would be avoided, managed, and mitigated by the measures which form part of the proposed scheme, proposed mitigation measures, and through suitable conditions. I am, therefore, satisfied that the proposed development would not have any unacceptable direct, indirect, or cumulative impacts in terms of biodiversity, including species and habitats protected under the Habitats Directive and the Birds Directive.

## 9.7. Land and Soil

- 9.7.1. Chapter 6 of the EIAR deals with land, soil, and geology. It examines the existing baseline environment and concludes that the underlying soil and geology is of 'low' importance due to its current use as carparking and the presence of made ground. While the bedrock is mapped as having a high potential for crushed rock, it is considered uneconomical to extract. The subsoils are not mapped as containing a mineral resource.
- 9.7.2. The EIAR identifies that the potential construction phase impacts include the excavation and removal of soil, subsoil and bedrock; soil quality and structure impacts; and importation of unsuitable material. A Construction Environmental Management Plan (CEMP) and a Construction and Demolition Waste Management Plan (CDWMP) will be implemented to mitigate these and any other associated construction impacts. The proposed development includes design measures to ensure that there is only limited potential for operational impacts. There will be no discharges to or excavation of soil or bedrock. There will be no petroleum hydrocarbon-based fuels used during the Operational Phase and all trafficked areas will be paved and connected to the surface water drainage network to prevent vehicular discharge/spills to the receiving land, soil and geology.
- 9.7.3. The cumulative impacts of other projects have been considered and any surplus excavated materials will be disposed of as per the CDWMP and legislative requirements, thereby preventing significant impacts. Subject to the implementation of mitigation measures, no significant residual impacts are expected.
- 9.7.4. I note that no third parties have raised concerns in relation to impacts on soils, geology, or land (other than 'land' as an asset which is discussed in section 9.10 of this report).
- 9.7.5. Having regard to the foregoing, I am satisfied that impacts predicted to arise regarding land and soil would be avoided, managed, and mitigated by the measures which form part of the proposed scheme, proposed mitigation measures, and through suitable conditions. I am, therefore, satisfied that the proposed development would not have any unacceptable direct, indirect, or cumulative impacts in terms of land and soil.

## 9.8. Water

- 9.8.1. Chapter 7 of the EIAR assesses the potential impacts on hydrology and hydrogeology. Its evaluation of the environment concludes that it is of low hydrogeological importance given that the Lucan formation beneath the site is mapped as a locally important aquifer with no drinking water wells or springs recorded within a 2km radius. Approximately 300m to the northeast of the site, the Tolka River flows east into Dublin Bay.
- 9.8.2. Surface water drainage will be designed in accordance with the Greater Dublin Strategic Drainage Strategy (GDSDS) (DBFL, 2022); will be attenuated to greenfield runoff rates; will be discharged to the existing surface water drainage infrastructure; will pass via appropriately sized full retention fuel/oil separators; and will ultimately discharge to the Tolka River. Foul water will outflow to Irish Water's existing infrastructure, will eventually be treated at Ringsend WWTP, and will be discharged to Dublin Bay. Water supply will be provided from the existing Irish Water piped infrastructure adjacent to the site.
- 9.8.3. During the construction phase, the EIAR predicts that any groundwater or hydrological flow regime impacts would be insignificant. The potential for significant effects on water quality as a result of contaminants is acknowledged. However, a range of mitigation measures are proposed, including the CEMP and CDWMP, which will address the potential water pollution effects associated with all construction activities.
- 9.8.4. At operational stage, water supply will be operated in accordance with appropriate statutory consents and Irish Water has confirmed that a water connection is feasible without infrastructure upgrade. The overall regional groundwater flow regime will not be altered due to the minor additional recharge associated with landscaping, and there would be no significant impact on regional groundwater levels and flow paths given that development will not impede groundwater flow through the aquifer. There will be no risk to water quality as no petroleum hydrocarbon-based fuels will be used and the design of the surface water management strategy will have positive impacts on water quality. These embedded design measures will mitigate potential impacts on the Tolka River and there is no identified impact to the River Liffey or Dublin Bay.

- 9.8.5. A Site-Specific Flood Risk Assessment has been completed as part of the application. It has established that the site is within Flood Zone C as per the Flood Risk Management Guidelines. I am satisfied that the proposed development is appropriate within this flood zone category in accordance with the sequential approach outlined in the Guidelines. The EIAR concludes that the potential impact of flooding results in an overall 'neutral', 'imperceptible', 'long-term' impact.
- 9.8.6. Foul water will only be discharged to the public sewer under agreement from Irish Water and other applicable statutory consents, and it is considered that there will be a 'neutral', 'imperceptible' and 'permanent' impact. Ongoing regular operational monitoring and maintenance of drainage and the SuDs measures will be incorporated to ensure no impacts on water quality and quantity (flow regime).
- 9.8.7. The potential cumulative effects with other projects have been considered. The cumulative water supply and foul water connections to Irish Water infrastructure will be managed in accordance with statutory requirements. The EIAR states that the proposed Ringsend WWTP improvements and the proposed WWTP at Clonshaugh will improve capacity. It states that the increased loading on Ringsend WWTP would be insignificant and does not have the capacity to alter the effluent released from the WWTP to such an extent as to result in likely significant effects on its receiving waters (Dublin Bay). In addition, upgrade works are currently on-going at Ringsend WWTP to increase the capacity of the facility from 1.6 million PE to 2.4 million PE. This plant upgrade will result in an overall reduction in the final effluent discharge of several parameters from the facility including BOD, suspended solids, ammonia, DIN and MRP (Irish Water, 2018). Therefore, the potential impacts on the foul water network and receiving water environment as a result of the proposed development in the absence of mitigation are considered negligible. I consider that the capacity of Ringsend WWTP is most suitably and reasonably controlled through the forward planning process and the EPA licensing process. The site has been suitably zoned for residential uses and the applicant has complied with the connection process requirements of Irish Water, which has confirmed that there are no objections in terms of capacity constraints at this time. Accordingly, I have no objections in relation to the capacity of the wastewater infrastructure.
- 9.8.8. The EIAR outlines that the mitigation measures, including the SUDS in accordance with the GDSDS, will prevent any impact on the receiving groundwater and surface

water environment and will not have any impact on compliance with the EU Water Framework Directive and associated legislative requirements. It concludes that, following the incorporation of mitigation measures, there would be no significant residual impacts on hydrology and hydrogeology.

- 9.8.9. I note that some third parties have raised concerns in relation to the capacity and design of the drainage network and potential water quality impacts on the Tolka River and Dublin Bay. However, the planning authority reports have not raised any objection to these matters, and I note that confirmation has been submitted from Irish Water regarding the feasibility of connections subject to conditions. Having regard to the nature and scale of the proposed development, and the availability and capacity of water, wastewater, and surface water infrastructure, I am satisfied that the quantitative and qualitative capacity of the water/drainage infrastructure would be suitably protected by the embedded/proposed mitigation measures and the applicable conditions of any permission.
- 9.8.10. Having regard to the foregoing, I am satisfied that impacts predicted to arise regarding water, hydrology, or hydrogeology would be avoided, managed, and mitigated by the measures which form part of the proposed scheme, proposed mitigation measures, and through suitable conditions. I am, therefore, satisfied that the proposed development would not have any unacceptable direct, indirect, or cumulative impacts in terms of water, hydrology, or hydrogeology.

## 9.9. **Air and Climate**

- 9.9.1. Section 8.1 of the EIAR includes a microclimate assessment of wind impacts using a variant of the well-established Lawson Criteria. Any wind effects at construction stage are considered to be negligible. For the operational stage at ground level, the proposed development is expected to make conditions calmer overall. Five regions of S15 (distress) exceedance would be introduced (at Road E and the corners of Blocks A & B) to pose a significant potential safety risk, as well the creation of unsuitable conditions in some public/courtyard open spaces. For the roof level terraces, potential significant adverse impacts are identified for Blocks A and G, as well as unsuitable conditions for Block B. There are 8 balconies on Block B which are subject to significant adverse wind effects, as well as unsuitable conditions for 78



other balconies. Other wind assessment findings are considered insignificant and/or consistent with baseline conditions.

- 9.9.2. Mitigation measures have been proposed to include extensive ground-level tree planting; glazed balustrades and planting at terrace level of Blocks A, B, and G; and the incorporation of 1.5m high glazed side panels to the balconies. Revised testing under the mitigation measures demonstrates that safety risks have been eradicated; that spaces are suitable for intended uses; and that residual wind effects will be negligible. No cumulative wind impacts are identified. Separately, I have considered microclimate (Sunlight and Daylight) impacts in section 8.8 of this report, and I have concluded that the predicted impacts would be acceptable.
- 9.9.3. Section 8.2 of the EIAR deals with air quality. It examines the baseline situation including data on air quality, the macroclimate, and the microclimate (rainfall and wind). It acknowledges the potential for air quality impacts during the construction phase as a result of dust deposition, dust-generating activities, and exhaust emissions from construction vehicles and equipment. Although the majority of receptors in the area are medium-sensitivity commercial properties, it also acknowledges a small number of high-sensitivity (residential) receptors within 50m of the site. It highlights that the location of these properties to the west of the site are highly unlikely to be affected by dust blown from the prevailing winds. However, the CEMP will include a dust minimisation plan and monitoring measures will be implemented to ensure that significant adverse impacts do not occur. Construction vehicle impacts are also considered to be short-term and insignificant.
- 9.9.4. The greatest operational air quality impact is considered to be traffic-related emissions. However, based on low baseline pollutant concentrations the receiving environment is considered to be 'Low Sensitivity' and the proposed development 'low risk'. The impact has been determined by modelling traffic-related air emissions (using the UK DMRB Screening Model) with and without the proposed development. It concludes that the impact on NO<sub>2</sub> concentrations in the locality is likely to be 'long-term', 'negative' and 'imperceptible'.
- 9.9.5. Section 8.2 also considers impacts on climate. Construction stage impacts are considered to be short-term and imperceptible. For the operational stage, the design will reduce energy usage and carbon emissions, thus demonstrating a commitment

to address climate change. Traffic-related GHG emissions are likely to be marginal and will reduce due to increased usage of electric/hybrid vehicles. A Flood Risk Assessment has been undertaken and concludes that the proposal is appropriate for the flood zone category and the approach outlined in the Flood Risk Management Guidelines.

- 9.9.6. The cumulative effects on the air quality and climate of the proposed development and other permitted/existing developments have been considered and no significant cumulative effects are predicted. Similarly, no adverse residual impacts are anticipated from the proposed scheme in the context of air quality and climate.
- 9.9.7. I note that some third parties have raised concerns about air quality/health impacts associated with increased dust and traffic emissions. The An Taisce submission also raises concern that the traffic emissions would have health and environmental implications. However, having regard to ambient conditions and the nature and scale of the proposed development, I am satisfied that the EIAR has demonstrated that the air-quality impacts would be mainly limited to the temporary construction period and that any potential impacts would be satisfactorily addressed by the proposed mitigation measures. The traffic-related emissions at operational stage are not considered to be significant.
- 9.9.8. Having regard to the foregoing, I am satisfied that impacts predicted to arise regarding microclimate, air, and climate would be avoided, managed, and mitigated by the measures which form part of the proposed scheme, proposed mitigation measures, and suitable conditions. I am, therefore, satisfied that the proposed development would not have any unacceptable direct, indirect, or cumulative impacts in terms of microclimate, air quality, and climate.

#### 9.10. **Material Assets**

- 9.10.1. Section 12.1 of the EIAR deals with 'traffic' and is based on the Traffic and Transport Assessment (TTA) submitted with the application. It sets out a comprehensive analysis of applicable transport policy and guidance, as well as an assessment of existing and planned transport infrastructure and services (including BusConnects). A 12-hour traffic survey (November 2019) was considered, as was the potential for permitted and future developments in the area.

- 9.10.2. The EIAR predicts that the construction phase impacts associated with the transportation of site machinery and materials would be short-term and not significant. At operational stage, it outlines the predicted additional traffic generated along with other potential cumulative traffic impacts, and considers the revised arrangements for parking, travel modes, junctions, and public transport services (including BusConnects). It concludes that the proposed development will not generate a significant volume of additional vehicular traffic during Operational Phase and is not likely to have any adverse transport-related environmental effects in terms of noise, air quality, vibrations, etc. Operational mitigation measures will include the embedded traffic/transport measures in accordance with DMURS and the promotion of active travel modes such as walking and cycling. The EIAR concludes that the traffic impacts will be neutral and imperceptible.
- 9.10.3. Section 12.2 of the EIAR deals with 'waste and utilities' including electricity, gas, ICT, surface water drainage, water supply, wastewater, and waste. The assessment outlines that the proposed development will be adequately serviced by such infrastructure and utilities and that adequate capacity exists to accommodate the proposed development. Construction stage mitigation measures will include the implementation of a CEMP and CDWMP to prevent any negative impacts on material assets. The operational mitigation measures relating to water and drainage (as per Chapter 7 of the EIAR) will be implemented, as well as an Operational Waste Management Plan to ensure that the highest possible levels of waste reduction, reuse, and recycling. No significant residual impacts are anticipated.
- 9.10.4. I note that submissions from third parties and An Taisce have raised serious concerns in relation to the generation of additional traffic, the lack of adequate road infrastructure to accommodate additional traffic, and the proposals to reduce car parking capacity. I have already addressed these matters in section 8.11 of this report, and I have concluded that the proposed development is appropriately designed to capitalise on public transport and active travel mode infrastructure, and that there would be no unacceptable impacts in relation to access, traffic generation/safety, or parking. I am satisfied that there is sufficient clarity on pedestrian/cycling infrastructure around the site and that any specific details to be agreed by condition would not have significant effects on the environment. Furthermore, I have addressed third-party concerns about water/drainage

infrastructure capacity in section 9.8 of this report and I have no objections in this regard.

- 9.10.5. I note that some commercial interests have also submitted concerns about the impact on the loss of retail 'land' assets (i.e. car parking) and its associated retail impacts. I have addressed this matter in sections 8.4 and 8.11 of this report, and I am satisfied that the replacement of existing car-parking with the proposed development would provide a suitable balance or mix of uses at this location, without adversely affecting the retail policy objectives for the town centre.
- 9.10.6. Having regard to the foregoing, I am satisfied that the impacts predicted to arise regarding material assets would be avoided, managed, and mitigated by the measures which form part of the proposed scheme, proposed mitigation measures, and through suitable conditions. I am, therefore, satisfied that the proposed development would not have any unacceptable direct, indirect, or cumulative impacts in terms of material assets.

#### 9.11. **Cultural Heritage**

- 9.11.1. Chapter 11 of the EIAR deals with the archaeological, architectural, and cultural heritage implications of the proposed development. It outlines the recorded archaeological monuments in the area and concludes that no monuments will be affected. The site does not include an Architectural Conservation area or a Protected Structure, and any surrounding buildings included on the National Inventory of Architectural Heritage would not be affected by the proposed development due significant separation distances.
- 9.11.2. The potential cumulative impact with other developments has been considered and no cumulative effects are anticipated. The proposed mitigation measures will include archaeological supervision and assessment of any archaeological remains discovered. No negative residual impacts in the context of archaeology and cultural heritage are anticipated.
- 9.11.3. Having regard to the foregoing, I am satisfied that the impacts predicted to arise regarding cultural heritage would be avoided, managed, and mitigated by the measures which form part of the proposed scheme, proposed mitigation measures, and through suitable conditions. I am, therefore, satisfied that the proposed

development would not have any unacceptable direct, indirect, or cumulative impacts in terms of cultural heritage.

## 9.12. Landscape

- 9.12.1. Chapter 10 of the EIAR outlines a Landscape and Visual Impact Assessment, which is based on an assessment of the study area, review of a Zone of Theoretical Visibility (ZTV), review of relevant planning policy, and assessment of impacts on Viewshed Reference Points (VRPs) from key receptors. I would concur with the assessment conclusion that the surrounding landscape is not particularly sensitive and does not contain significant townscape or built heritage features.
- 9.12.2. The assessment outlines that the construction phase will have only a moderate, negative, and short to medium-term impact on the landscape. The operational phase impacts are assessed from 36 selected viewpoints. In terms of duration, 50% of viewpoints will have impacts ranging from medium to long-term. Regarding quality, 58% of the points are considered neutral and 42% are considered neutral to positive. Finally, regarding significance, only 6% of the viewpoints are considered to experience a moderate to significant effect. No viewpoints are considered as having a significant, negative, and long-term impact.
- 9.12.3. The cumulative impact of other developments has been considered and no significant negative impacts are identified. Significant positive impacts are identified due to the complementary and interesting combination with the permitted development on Sites B & C.
- 9.12.4. The main mitigation measures have been incorporated into the design and layout of the development, although future maintenance will be carried out to ensure a high standard of landscaping, finishes, etc. The EIAR concludes that there will be no significant residual effects.
- 9.12.5. I note that third parties and An Taisce have raised serious concerns about the height, scale, and design of the proposed development and its perceived negative impact on the character of the area and surrounding landscape. I have considered these matters in greater detail in section 8.9 of this report and I have concluded that there would be no unacceptable impacts on landscape, townscape, or visual amenity.

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

### 9.13. **Interactions**

9.13.1. Chapter 14 assesses the potential interactions and inter-relationships between the environmental factors discussed in the preceding chapters. The most notable potential interactions of factors can be summarised as follows (reciprocal or duplicated impacts are omitted where appropriate):

- Population and Human Health – Interaction with air, water, noise/vibration, landscape/visual, and traffic impacts. No significant negative effects are predicted.
- Biodiversity – Interaction with water and geological pollution, noise/vibration, as well as changes to existing landscape/habitats. Mitigation and monitoring proposals will satisfactorily mitigate any impacts.
- Land and Soil – Interaction with hydrology / hydrogeology; material assets including built services, infrastructure, and waste management; biodiversity; landscape; and air quality impacts. Mitigation and monitoring proposals will satisfactorily mitigate any impacts.
- Water – Interaction with material assets such as water, wastewater, drainage infrastructure. No adverse interactions are predicted.
- Air & Climate – Traffic-related pollutants have been deemed to be negligible.
- Landscape - It is not predicted that any changes in landscape or visual impact will affect in any way the cultural heritage of the area.
- Material assets – Traffic generation will not be significant and will not have any significant noise/vibration interactions. Waste and utility impacts may impact on population and human health; waste disposal may impact on biodiversity; waste

collection may impact on traffic; and waste dust may impact on air quality and human health. The mitigation measures will avoid negative residual impacts.

9.13.2. Having regard to the foregoing, I am satisfied that impacts relating to interactions, cumulative and combined effects would be avoided, managed, and mitigated by the measures which form part of the proposed scheme, proposed mitigation measures and through suitable conditions. I am, therefore, satisfied that the proposed development would not have any unacceptable direct, indirect, combined or cumulative interactions.

#### 9.14. **Mitigation and Monitoring Measures**

9.14.1. All of the proposed mitigation and monitoring measures for each environmental factor at construction and operational stages are collectively outlined in Chapter 15 of the EIAR.

#### 9.15. **Reasoned Conclusion**

9.15.1. Having regard to the examination of environmental information contained above, and in particular to the EIAR and supplementary information provided by the applicant, the reports from the planning authority and submissions by prescribed bodies and observers in the course of the application and appeal, I am satisfied that the potential effects of the proposed development have been adequately identified, described and assessed, and I am satisfied that there will be no other likely significant environmental effects arising from the proposed development. I consider that the main significant direct and indirect effects of the proposed development on the environment, including mitigation measures, are as follows:

- Construction stage effects on 'population and human health' and 'air quality and climate' as a result of dust, noise, traffic, and waste emissions. These effects would be mitigated through a Construction Environmental Management Plan, a Construction and Demolition Waste Management Plan, and the application of other best practice construction management measures, which would not result in any unacceptable residual effects.

- Operational stage effects on the 'landscape' and townscape character of the area as a result of the height and scale of the proposed development. These effects would be mitigated through embodied design measures and proposed landscaping, which would not result in any unacceptable residual effects.

## 10.0 **Appropriate Assessment Screening**

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

### 10.1. **Background to the application**

10.1.1. As part of the application, an Appropriate Assessment Screening Report was compiled by Enviroguide Consulting. In summary, the report's assessment of the significance of effects on Natura 2000 sites is as follows:

- The proposed development is not located within or adjacent to any European Site. Therefore, there will be no direct loss or alteration of habitat.
- As there will be no direct habitat loss within any European Sites, it is deemed that no habitat fragmentation will arise from the proposed development.
- Indirect hydrological connections to Dublin Bay have been identified via construction phase run-off to the surface/ground water network; operational phase surface water discharge; and wastewater discharge. Standard surface water management measures and the dilution capacity that exists between the appeal site and Dublin Bay will ensure that there will be no potential for significant effects on the water quality and/or resource. Ringsend Wastewater Treatment Plant (WWTP) will have sufficient capacity to accommodate the development and there is no evidence that existing or proposed discharges would adversely affect the Dublin Bay European Sites.
- There is no potential for disturbance and/or displacement of species having regard to the above, the intervening distances between the appeal site and



European Sites, and the lack of any suitable *ex-situ* habitat within the appeal site.

- There is no potential for significant effects on the population density of qualifying species within the European Sites.
- Cumulative and in-combination effects of relevant plans and projects have been considered and there is no possibility of impacts on European Sites.

10.1.2. The applicant's AA Screening Report concludes that the possibility may be excluded that the Proposed Development will have any significant effect on any European Sites. It is stated that the findings are based on the best available scientific evidence which removes all reasonable scientific doubt. It also confirms that no measures intended to avoid or reduce the potential harmful effects of the project on any European Site have been taken into account.

10.1.3. Having reviewed the documents, drawings and submissions included in the appeal file, 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.

10.1.4. 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 would have any possible interaction that would be likely to have significant effects on a European Site(s).

## 10.2. **Description of the development**

10.2.1. A detailed description of the development is outlined in section 2 of this report. In summary, it includes the construction of 971 residential units, 7 no. commercial units, 1 no. community facility, 1 no. place of worship, a childcare facility, residential amenity spaces, a mobility hub, open spaces, parking facilities, along with associated road works, site works, and services.

10.2.2. The site has a total area of 6.62 ha and is located within the existing Blanchardstown Centre. It primarily comprises areas of existing carparking, grassed areas, and some semi-mature trees. The site is mainly surrounded by commercial uses, residential lands, and landscaped open space.

### 10.3. Submissions and Observations

10.3.1. The submissions and observations received during the application and appeal process have been outlined in sections 4 and 7 of this report. The submissions have not generally raised significant concerns in relation to European Sites. However, the relevant issues raised include various sources of pollution arising from the development; adverse impacts on biodiversity; and potential pollution of the Tolka River and associated downstream impacts on Dublin Bay.

### 10.4. European Sites

10.4.1. The applicant's AA Screening Report initially considers a 15km radius and other potential pathways to carry out a source-pathway-receptor assessment for relevant European Sites as outlined in the following table.

<b>European Site (Code)</b>	<b>Distance (km)</b>	<b>Presence of Impact Pathway</b>	<b>Assessed Further</b>
Rye Water Valley/ Carton SAC (001398)	6.8 (west)	None. This site is located in a separate sub-catchment.	No
South Dublin SAC (000210)	13.6 (south-east)	None. This site is located in the southern half of Dublin Bay and the Great South Wall forms a barrier between the Liffey & Tolka estuaries and the SAC.	No
North Dublin Bay SAC (000206)	11.5 (east)	Hydrological connectivity via River Tolka.	Yes
Malahide Estuary SAC (000205)	14.7 (north-east)	None. This site is located in a separate sub-catchment.	No
South Dublin Bay and River Tolka	11.5 (east)	Hydrological connectivity via River Tolka.	Yes

Estuary SPA (004024)			
North Bull Island SPA (004006)	14.5 (East)	Hydrological connectivity via River Tolka.	Yes
Malahide Estuary SPA (004025)	14.8 (north- east)	None. This site is located in a separate sub- catchment.	No

10.4.2. Having regard to the significant distance, barriers, and lack of connectivity between the appeal site and some European Sites, I am satisfied that the sites which require further screening consideration are limited to the North Dublin Bay SAC, the South Dublin Bay and River Tolka Estuary SPA, and the North Bull Island SPA. The potential for significant effects on the other sites can be excluded at this preliminary examination stage.

10.4.3. My screening assessment will therefore focus on the impact of the proposal on the conservation objectives of the European Sites and their qualifying interests as set out in the following table.

<b>European Site</b>	<b>Conservation Objectives and Qualifying Interests</b>
North Dublin Bay SAC	To maintain or restore the favourable conservation condition of the following QI's: Mudflats and sandflats not covered by seawater at low tide, Annual vegetation of drift lines, Salicornia and other annuals colonising mud and sand, Atlantic salt meadows, Mediterranean salt meadows, Embryonic shifting dunes, Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes), Fixed coastal dunes with herbaceous vegetation (grey dunes), Humid dune slacks, <i>Petalophyllum ralfsii</i> (Petalwort).
South Dublin Bay and River Tolka Estuary SPA	To maintain the favourable conservation condition of the following QI's: Light-bellied Brent, Oystercatcher, Ringed Plover, Grey Plover (proposed for removal), Knot, Sanderling, Dunlin, Bar-tailed Godwit, Redshank, Black-headed Gull, Roseate Tern, Common Tern, Arctic Tern, Wetlands.

North Bull Island SPA	To maintain the favourable conservation condition of the following QI's: Light-bellied Brent Goose, Shelduck, Teal, Pintail, Shoveler, Oystercatcher, Golden Plover, Grey Plover, Knot, Sanderling, Dunlin, Black-tailed Godwit, Bar-tailed Godwit, Curlew, Redshank, Turnstone, Black-headed Gull, Wetlands.
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## 10.5. Potential Effects on European Sites

10.5.1. The appeal site is not located within or adjoining any of the relevant European Sites.

The nearest relevant sites are c. 11.5km and are significantly separated by existing development. Furthermore, the appeal site does not contain any suitable ex-situ habitat for any qualifying interests. Accordingly, I am satisfied that there is no potential for habitat loss/alteration or for habitat/species fragmentation.

10.5.2. At construction stage, I acknowledge the potential for excavation and run-off to impact on the groundwater and surface water network, including the River Tolka which links downstream to Dublin bay. However, the application proposes that any groundwater would be discharged to the local sewer and that there will be no unauthorised discharge to ground, drains, or water courses during the construction phase. Standard best-practice construction measures will also be employed to avoid any potential pollution impacts at construction stage. Even if any surface water would inadvertently enter the stormwater system, I would also accept that any impacts would be negligible due to the significant separation distance and dilution capacity between the appeal site and Dublin Bay. Accordingly, I am satisfied that there is no potential for significant effects on European Sites as a result of construction stage discharge to ground water or surface water.

10.5.3. The operational phase also proposes that surface water will be directed to the existing surface water network prior to discharge to the River Tolka via an existing outfall. This involves an indirect hydrological link to downstream European Sites in Dublin Bay. However, the application includes standard best-practice surface water management measures to ensure that the quantity and quality of water quality discharge will not significantly affect the existing water network. Accordingly, I am satisfied that there is no potential for significant effects on European Sites as a result of operational stage discharge to ground water or surface water.

10.5.4. The operational stage will also involve discharge of wastewater to Irish Water's existing infrastructure followed by treatment at Ringsend WWTP and discharge to Dublin Bay. I have previously addressed this matter in section 9.8 of this report. I am satisfied that Ringsend WWTP will have adequate capacity to accommodate the proposed development. It would represent only a minimal increase of loading on the overall capacity of the WWTP and there is no evidence to suggest that pollution through nutrient input is affecting the conservation objectives of European Sites within Dublin Bay. Accordingly, I am satisfied that there is no potential for significant effects on European Sites as a result of operational stage discharges to the Irish Water wastewater network and subsequent treatment/discharge from Ringsend WWTP to Dublin Bay.

10.5.5. Having regard to the foregoing, including the significant separation distance and the absence of significant effects through the hydrological pathway, I am also satisfied that the proposed development does not have the for significant effects on European Sites as a result of disturbance/displacement of species or changes in population density.

#### **10.6. In Combination or Cumulative Effects**

10.6.1. The applicant's AA Screening Report has considered the potential in-combination and/or cumulative effects of the proposed development with other plans and projects. This includes a comprehensive analysis of other permitted developments, many of which have been completed. Having reviewed these developments I consider that the main potential for cumulative effects again arises from surface/groundwater pollution and increased wastewater discharge. However, having regard to the standard best-practice measures that would apply; the comparatively small scale of development in the context of the overall water network; and the significant distance and assimilative capacity between the appeal site and Dublin Bay; I am satisfied that there is no potential for significant effects on European Sites as a result of cumulative impacts.

10.6.2. I note that the Fingal County Development Plan 2023-2029 and other land use plans for the Dublin area aim to accommodate significant additional development. This has cumulative implications for surface water and wastewater infrastructure. However, all development within these areas will be required to comply with relevant regulatory

provisions to protect European Sites. SuDS measures will be required for all new developments as per the Greater Dublin Regional Code of Practice for Drainage Works and will thus lead to an overall reduction in the potential for cumulative impacts of developments on receiving waterbodies and European Sites.

Furthermore, as previously outlined, I am satisfied that the existing and predicted future cumulative impacts on the Ringsend WWTP are not likely to have significant effects on the Dublin Bay European Sites.

## 10.7. **Mitigation Measures**

10.7.1. No measures designed or intended to avoid or reduce any harmful effects of the project on a European Site have been relied upon in this screening exercise.

## 10.8. **AA Screening Determination**

10.8.1. The proposed development was considered in light of the requirements of section 177U of the Planning and Development Act 2000 (as amended). Having carried out Screening for Appropriate Assessment of the project, it has been concluded that the project, individually, or in combination with other plans or projects, would not be likely to give rise to significant effects on North Dublin Bay SAC (000206), South Dublin Bay and River Tolka Estuary SPA (004024), North Bull Island SPA (004006), or any European Sites, in view of the sites' conservation objectives, and Appropriate Assessment (Stage 2), including the submission of Natura Impact Statement is not, therefore, required.

10.8.2. This determination is based on the following:

- The nature and scale of the proposed development and the location of the site on serviced lands;
- The distance of the proposed development from European Sites and the limited potential for pathways;
- The incorporation of best-practice construction management and surface water management;
- The dilution capacity within the existing drainage network and the receiving water environment in Dublin Bay;

- The existing and planned capacity of the Ringsend WWTP to facilitate development in compliance with the provisions of the Water Framework Directive.

## 11.0 Recommendation

Having regard to the foregoing assessments, I recommend that permission be granted for the proposed development, subject to conditions, and for the reasons and considerations set out in the Draft Order below.

## 12.0 Recommended Draft Board Order

### **Planning and Development Acts 2000 to 2021**

### **Planning Authority: Fingal County Council**

### **Planning Register Reference Number: LRD0001/S3**

**Appeals** by Blanche Retail Nominee Limited c/o of John Spain Associates of 39 Fitzwilliam Place, Dublin 2; Smyths Toys Superstores c/o RW Nolan & Associates, No. 37 Lower Baggott Street, Dublin 2; Whitestown residents and others c/o Mark Price, 23 Upper Mount Street, Dublin; TK Maxx c/o Tom Phillips Associates, 80 Harcourt Street, Dublin 2; Woodie's DIT Ltd. c/o RW Nolan & Associates, No. 37 Lower Baggott Street, Dublin 2; John Walsh, 10 Ashleigh Court, Castleknock, Dublin 15; Briarwood, Huntstown Lawn, and Woodlands Residents Association c/o Ray Smyth, 64 Huntstown Lawn, Dublin 15; Harvey Norman Ireland and others c/o HRA Planning, 3 Hartstonge Street, Limerick; and Lifestyle Sports (Ireland) Ltd., 40 Mary Street, Dublin 1; against the decision made on the 12<sup>th</sup> day of January 2023, by Fingal County Council to grant subject to conditions a permission to Blanche Retail Nominee Limited c/o of John Spain Associates of 39 Fitzwilliam Place, Dublin 2 in accordance with plans and particulars lodged with the said Council:

### **Proposed Development:**

A ten-year planning permission for a Large-scale Residential Development (LRD) at lands at Site A (White Car Park) at Blanchardstown Town Centre, Coolmine, Dublin 15. The proposed Large-scale Residential Development comprises the construction of a mixed use development, consisting of 971 no. apartments (comprising 117 no. studio apartments, 368 no. 1 bed apartments, 422 no. 2 bed apartments, and 64 no. 3 bed apartments) in 7 no. buildings (Blocks A, B, C, D, E, F, and G) ranging from 1 no. to 16 no. storeys in height, over a basement level (below 6 no. of the blocks), and provision of a Mobility Hub, with 7 no. levels. The development includes 7 no. commercial units (for Class 1- Shop, or Class 2- Office / Professional Services, or Class 11 Gym, or Restaurant / Café use, including ancillary takeaway use) in Blocks A, C, G and the Mobility Hub, 1 no. Community Facility and 1 no. Place of Worship in the Mobility Hub, 1 no. Childcare Facility in Block A, and ancillary resident amenity floorspace to serve the residential units (in Blocks A, B, D, E and F).

The detailed description of the development is as follows:

- Block A comprises 246 no. residential units, including 30 no. studio, 95 no. 1 bed, 96 no. 2 bed, and 25 no. 3 bed apartment units, in a part one to part sixteen storey building, above a basement level. Block A includes 1 no. childcare facility and 1 no. commercial unit at ground floor level, and 1 no. external roof terrace at twelfth floor level.
- Block B comprises 101 no. residential units, including 64 no. 1 bed, 32 no. 2 bed, and 5 no. 3 bed apartment units, in a part six to part twelve storey building, over a basement level. Block B includes 1 no. external roof terrace at eighth floor level.
- Block C comprises 38 no. residential units, including 2 no. studio, 16 no. 1 bed, 18 no. 2 bed, and 2 no. 3 bed apartment units, in a part six to part eight storey building, over a basement level. Block C includes 2 no. commercial units at ground floor level, and 1 no. external roof terrace at sixth floor level.
- Block D comprises 76 no. residential units, including 1 no. studio, 71 no. 2 bed, and 4 no. 3 bed apartment units, in a part eleven to part fourteen storey building.
- Block E comprises 204 no. residential units, including 38 no. studio, 61 no. 1 bed, 91 no. 2 bed, and 14 no. 3 bed apartment units, in a part one to part eleven



storey building, over a basement level. Block E includes 1 no. external roof terrace at eighth floor level.

- Block F comprises 114 no. residential units, including 30 no. studio, 41 no. 1 bed, 34 no. 2 bed, and 9 no. 3 bed apartment units, in a part one to part eight storey building, over a basement level. Block F includes 1 no. external roof terrace at fourth floor level.
- Block G comprises 192 no. residential units, including 16 no. studio, 91 no. 1 bed, 80 no. 2 bed, 5 no. 3 bed apartment, in a part five to part twelve storey building, over a basement level. Block G includes 1 no. commercial unit at ground floor level, 1 no. external roof terrace at ninth floor level and 1 no. external roof terrace at eleventh floor level.
- Residential amenity space is provided at ground floor level of Blocks A, B, D, E and F, twelfth floor level of Block A, and eleventh floor level of Block D and Block G.
- Balconies / private terraces are provided for all apartments on all elevations.
- The construction of a Mobility Hub with seven no. levels, with a total of 546 no. car parking spaces (to provide partial replacement car parking for the surface retail car parking to be removed from the application site and to provide staff parking for the childcare facility). The Mobility Hub includes 3 no. commercial units, 1 no. place of worship, 1 no. community facility and ancillary sustainable transport facilities at ground floor level, including visitor cycle parking, and an access core and a roof garden area (for commercial use) at the split roof level.
- 487 no. car parking spaces for the residential units are provided in the basement level (below Blocks A, B, C, E, F and G). Secure cycle parking spaces are provided at basement and ground floor level of Blocks E and F to serve the residential units. Short term/visitor cycle parking spaces to serve the residential units are located within the Mobility Hub and at surface level.
- Provision of telecommunications infrastructure at roof level of Block D comprising of 4 no. 0.3m microwave link dishes enclosed within GRP radio friendly shrouds, mounted on 2 no. steel support poles together with all associated equipment.

- The proposal includes road, pedestrian and cycle upgrades and associated alterations to the road infrastructure within the application site boundary. The development includes the provision of a new access road junction from Blanchardstown Road South and an associated internal road which provides pedestrian, cyclist and vehicular access to the basement level, access to a proposed loading bay and the existing surface retail car parking spaces and the Mobility Hub, and associated reconfiguration and alterations to the retained existing surface retail car parking spaces (including set down spaces for the childcare facility). An access and set down area is proposed off Road G. A two-way cycle lane is proposed linking Blanchardstown Road South to the proposed development, the Mobility Hub and Road E to the east. The proposal includes the provision of a relocated pedestrian crossing on Road G.
- The proposed development includes public open space, communal open space, landscaping and public realm improvements, 4 no. ESB substations and associated switch rooms, bin stores, plant rooms, green roofs, and PV panels at roof level. The associated site and infrastructural works include site clearance and excavation, including the removal of the existing car wash facility, provision of utilities and associated civil works, foul and surface water drainage and public lighting, along with all ancillary works.

## **Decision**

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

## **Reasons and Considerations**

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

- a) The location of the site within the established 'Dublin City and Suburbs' area on lands with the zoning objective 'MC – Major Town Centre' as per the Fingal County Development Plan 2023-2029, which aims to protect, provide for and/ or

improve major town centre facilities including consolidation and densification with residential uses;

- b) The nature, scale and design of the proposed development which is consistent with the policies and objectives of the Fingal County Development Plan 2023-2029;
- c) The pattern of existing and permitted development and the availability of adequate social and physical infrastructure in the area;
- d) The provisions of Housing for All – A New Housing Plan for Ireland issued by the Department of Housing, Local Government and Heritage in September 2021;
- e) The provisions of Project Ireland 2040 - National Planning Framework, which identifies the importance of compact growth;
- f) The provisions of the Urban Development and Building Heights Guidelines for Planning Authorities issued by the Department of Housing, Planning and Local Government in December 2018;
- g) The provisions of the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities issued by the Department of Housing, Planning and Local Government in December 2020 (including Circular Letter: NRUP 07/2022);
- h) The provisions of Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, including the associated Urban Design Manual (2009) issued by the Department of Environment, Heritage and Local Government in May 2009;
- i) The provisions of the Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of Environment, Community and Local Government in 2019;
- j) The provisions of the Eastern and Midland Regional Assembly Regional Spatial and Economic Strategy 2019-2031, which supports compact sustainable growth and accelerated housing delivery integrated with enabling infrastructure;
- k) The provisions of the Greater Dublin Area Transport Strategy 2022-2042 prepared by the National Transport Authority;

- l) The Retail Planning Guidelines for Planning Authorities issued by the Department of the Environment, Community and Local Government in April 2012;
- m) The submissions and observations received;
- n) The reports from the Planning Authority;
- o) The report of the Planning Inspector.

### **Appropriate Assessment Screening**

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on European Sites, taking into account the nature and scale of the proposed development on serviced lands, the nature of the receiving environment, which comprises a built-up urban area, the distances to the nearest European sites and the hydrological pathway considerations, submissions and observations on file, the information submitted as part of the subject application Appropriate Assessment Screening Report and application documentation, and the Planning Inspector's report. In completing the screening exercise, the Board agreed with and adopted the report of the Planning Inspector and that, by itself or in combination with other development, plans and projects in the vicinity, the proposed development would not be likely to have a significant effect on any European Site in view of the Conservation Objectives of such sites, and that a Stage 2 Appropriate Assessment is not, therefore, required.

### **Environmental Impact Assessment**

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

- (a) The nature, scale, location, and extent of the proposed development,
- (b) The Environmental Impact Assessment Report and associated documentation submitted in support of the application,

- (c) The grounds of appeal, reports of the planning authority, and the submissions from observers and prescribed bodies in the course of the application and appeal,
- (d) The report of the Planning Inspector.

### **Reasoned Conclusion on Significant Environmental Effects**

The Board considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the applicant, adequately identifies and describes the direct, indirect, secondary and cumulative effects of the proposed development on the environment. The Board is satisfied that the information contained in the Environmental Impact Assessment Report complies with the provisions of EU Directive 2014/52/EU amending Directive 2011/92/EU. The Board agreed with the summary and examination, set out in the Inspector's report, of the information contained in the Environmental Impact Assessment Report and associated documentation submitted by the applicant and submissions made in the course of the planning application and the appeal. The Board is satisfied that the Inspector's report sets out how these were addressed in the assessment and recommendation, including environmental conditions, and these are incorporated into the Board's decision.

The Board considered and agreed with the Inspector's reasoned conclusions, that the main significant direct and indirect effects of the proposed development on the environment are, and would be mitigated, as follows:

- Construction stage effects on 'population and human health' and 'air quality and climate' as a result of dust, noise, traffic, and waste emissions. These effects would be mitigated through a Construction Environmental Management Plan, a Construction and Demolition Waste Management Plan, and the application of other best practice construction management measures, which would not result in any unacceptable residual effects.

- Operational stage effects on the 'landscape' and townscape character of the area as a result of the height and scale of the proposed development. These effects would be mitigated through embodied design measures and proposed landscaping, which would not result in any unacceptable residual effects.

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

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

The Board considered that, subject to compliance with the conditions set out below, the proposed development would not contravene the retail objectives of the 'Major Town Centre' zone, would constitute an acceptable quantum of development in this brownfield town centre location which would be served by an appropriate level of public transport, social and community infrastructure, would provide an acceptable form of residential amenity for future occupants, would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be acceptable in terms of urban design, height and scale of development, would be acceptable in terms of traffic safety and convenience, would not be at risk of flooding, or increase the risk of flooding to other lands, and would be capable of being adequately served by wastewater and water supply networks. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## Conditions

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

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

2. (a) In the event that the proposed development is constructed in advance of the delivery of the BusConnects Project, the proposed site layout shall be in accordance with Drawing No. 20053-OMP-00-00-DR-A-1000 and associated drawings.  
  
(b) In the event that the proposed development is constructed in parallel with or subsequent to the delivery of the BusConnects Project, the proposed layout shall be in accordance with Drawing No. 20053-OMP-00-00-DR-A-1003 and associated drawings.

**Reason:** In the interest of clarity and to facilitate planned public transport infrastructure.

3. The period during which the development hereby permitted may be carried out shall be seven years from the date of this order.

**Reason:** In the interest of clarity, to ensure the timely delivery of housing, and to minimise disruption to surrounding properties.

4. The mitigation and monitoring measures outlined in the plans and particulars, including the Environmental Impact Assessment Report submitted with this application as set out in Chapter 15 of the EIAR 'Mitigation and Monitoring', shall be carried out in full, except where otherwise required by conditions attached to this permission.

**Reason:** In the interest of clarity and the protection of the environment during the construction and operational phases of the development.

5. (a) The development shall be carried out in accordance with the phasing arrangements as outlined in the 'Phasing Report' submitted with the application, including the scenarios for the delivery of the development in conjunction with the BusConnects project.  
(b) The residential units in each phase shall not be occupied until the community and physical infrastructure for that phase has been provided to the satisfaction of the planning authority.

**Reason:** In the interests of clarity and the proper planning and sustainable development of the area.

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

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

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

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



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

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

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

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

10. Prior to the commencement of construction works, the developer shall agree in writing with Dublin Airport Authority and the Irish Aviation Authority a strategy for the use of cranes on site and appropriate aeronautical obstacle warning light requirements.

**Reason:** In the interest of air traffic safety.

11. (a) The following shall be submitted to and agreed in writing with the planning authority prior to the commencement of development:

- (i) detailed design and construction of the new junction (Junction 9)
- (ii) the proposed pedestrian/cycle crossing amendments to the existing roundabout
- (iii) the signalised crossing to Millennium Park
- (iv) proposals to provide a continuous footpath from the drop-off area to the creche building.

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

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

12. (a) The residential car parking facilities hereby permitted shall be reserved solely to serve the proposed residential units.

(b) The car parking facilities within the Mobility Hub shall be reserved for the existing and proposed commercial and community uses and shall not be available to the residential units.

(c) Parking shall be managed in accordance with the Car Parking Management Strategy submitted with the application.

**Reason:** To ensure that adequate residential and commercial parking facilities are permanently available to serve existing and proposed development.

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

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

14. A total of 2,008 no. bicycle parking spaces (1,522 for residents and 486 for visitors) and 252 no. cycle and e-mobility facilities shall be provided within the site. Details of the layout, marking demarcation and security provisions for these spaces shall be in accordance with the details submitted with the application, unless otherwise agreed in writing with, the planning authority prior to commencement of development.

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

15. Prior to the occupation of the development, a finalised Mobility Management Plan (Residential Travel Plan) shall be submitted to and agreed in writing with the planning authority. This plan shall include modal shift targets and shall provide for incentives to encourage the use of public transport, cycling, walking and carpooling by residents of the development and to reduce and regulate the extent of parking. The mobility strategy shall be prepared and implemented by the management company for all units within the development.

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

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

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

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

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

18. All plant, including extract ventilation systems, shall be sited in a manner so as not to cause nuisance at sensitive locations due to emissions. All mechanical plant and ventilation inlets and outlets shall be sound insulated and or fitted with sound attenuators to ensure that noise levels do not pose a nuisance at noise sensitive locations. Basement ventilation shall not be positioned adjacent to apartment terraces.

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

19. The site shall be landscaped in accordance with the detailed comprehensive scheme of landscaping and play facilities, including the drawings and Landscape Design Statement which accompanied the application submitted, unless otherwise agreed in writing with, the Planning Authority prior to commencement of development. Thereafter, the provisions of the Landscaping Management and Maintenance Plan shall be implemented.

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

20. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities for each unit shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of the development. Thereafter, the waste shall be managed in accordance with the agreed plan.

**Reason:** To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

21. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be

submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects”, published by the Environmental Protection Agency in 2021. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

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

22. The construction of the development shall be managed in accordance with a Construction Environmental Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development with measures to reflect mitigation described in the submitted EIAR for the application, in addition to the following:
- a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
  - b) Location of access points to the site for any construction related activity;
  - c) Location of areas for construction site offices and staff facilities;
  - d) Details of site security fencing and hoardings;
  - e) Details of on-site car parking facilities for site workers during the course of construction;
  - f) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
  - g) Measures to obviate queuing of construction traffic on the adjoining road network;
  - h) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network and for the cleaning of the same;

- i) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
- j) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- k) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- l) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- m) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.
- n) A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority. Reason: In the interest of amenities, public health and safety.

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

23. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays, and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the Planning Authority.

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

24. (a) No signage, advertising structures/advertisements, security shutters, or other projecting elements, including flagpoles, shall be erected within the site and adjoining lands under the control of the applicant unless authorised by a further grant of planning permission.

(b) The windows to the proposed commercial and community facility units shall not be obscured by adhesive material or otherwise, unless otherwise agreed in writing with the planning authority.

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

25. The opening hours for all commercial units shall be submitted to, and agreed in writing with, the planning authority prior to commencement of any operations in each respective unit.

**Reason:** In the interests of residential amenity

26. (a) All areas not intended to be taken in charge by the local authority, shall be maintained by a legally-constituted management company.

(b) Details of the legally-constituted management company contract, and drawings/particulars describing the parts of the development for which the legally-constituted management company would have responsibility, shall be submitted to, and agreed in writing with, the planning authority before any of the residential units are made available for occupation. The management scheme shall provide adequate measures for the future maintenance of public open spaces, roads and communal areas.

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

27. The developer shall provide a piece of public art, sculpture or architectural feature which shall have a relationship with the area. The design, location, and timescale for the piece of art shall be agreed with the planning authority prior to commencement of development.

**Reason:** In the interests of visual amenity and cultural identity.

28. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the Planning Authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the Planning Authority or any other prospective party to the agreement to An Bord Pleanála for determination.

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

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

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

30. The developer shall pay the sum of €10,132,553 (updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office),



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

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

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

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Stephen Ward  
Senior Planning Inspector  
28<sup>th</sup> April 2023