



Development	853 no. residential units (240 no. houses, 613 no. apartments) crèche and ancillary works.
Location	Oscar Traynor Road site, Dublin 5/Dublin 9, bounded by Coolock lane (R104) to the north, Castletimon estate to the east, Lorcan estate to the south and by the N1 to west, south-east of M50 Junction 2 Interchange.
Planning Authority	Dublin City Council.
Planning Authority Reg. Ref.	LRD 6019-22S3
Applicant(s)	Glenveagh Living Limited.
Type of Application	Large - Scale Residential Development (LRD)
Planning Authority Decision	Grant subject to conditions.
Type of Appeal	Third Party
Appellant(s)	1. Marie Warren & Margaret Farrelly on behalf of Castletimon residents. 2. Peter Maher

Observer(s)

1. DAA
2. TII
3. Peter Maher

Date of Site Inspection

18th & 26th May 2023.

Inspector

Daire McDevitt

Contents

1.0 Site Location and Description	4
2.0 Proposed Development	5
3.0 Planning Authority Pre-application Opinion	8
4.0 Planning Authority Decision	9
5.0 Planning History.....	15
6.0 Policy Context.....	16
7.0 The Appeal	23
8.0 Assessment.....	29
9.0 Appropriate Assessment Screening	36
10.0 Environmental Impact Assessment	51
11.0 Recommendation	94
12.0 Recommended Board Order	95

1.0 Site Location and Description

The appeal site, with a stated area of c. 17.1 hectares, is known as the “Oscar Traynor Road Site” is located in Dublin 5 / Dublin 9, c.5.5km north of Dublin city centre and c.3.6km south of Dublin Airport. It is located to the east of the N1/M50 Dublin Port Tunnel entry and exit portals and approach roads with this road layout forming the entire western boundary of the site. The M50 Junction 2 Interchange is also to the west of the site.

The site is bounded by Coolock Lane (R104) to the north, to the northeast it adjoins Woodlawn Avenue with Astro Park Coolock (a multi-sports facility) beyond this. A portion of the site is bounded by Gaelscoil Cholmcille primary school to the northeast. The eastern boundary adjoins the northwest portion of Castletimon Road and forms the west side of the roadway on Castletimon Gardens with houses opposite on the eastern side of the road. The rear gardens of houses on Lorcan Avenue, Lorcan Crescent and Lorcan Park form the southern boundary. The slip road to the motorway forms the western boundary of the site.

The site at present is comprised of undeveloped greenfield lands. The topography is generally flat with some undulations across the site. There are isolated groups and individual trees and shrubs within the site while the boundaries to Coolock Lane and the N1/M50 approach have extensive tree planting. The boundary along the N1/M50 is a substantial stone clad wall and the boundary along Coolock Lane an embankment with a pedestrian opening and desire lines visible from Coolock Lane to Castletimon estate. The boundary to adjacent houses generally comprise blockwork walls with no defined boundaries with Castletimon Gardens with a berm screening the site. A palisade fence forms the boundary with Lorcan Park. I noted some litter/fly tipping at the time of inspection. The site is accessible and there are a number tracks/desire lines visible traversing portions of the site.

A portion of the site is identified on the LDA Register of Relevant Lands which is subject to Part 9 of the LDA Act.

2.0 Proposed Development

The development which is the subject of the current LRD appeal is for 853 residential units, a c. 1680sq.m 2 storey neighbourhood hub building (which includes shop, café and uses under Class 10 – community/arts and Class 11 – cultural) and a 2 storey creche (c.154 child capacity) on a site known as the ‘Oscar Traynor Road site’.

The application includes an EIAR and a NIS.

Development Parameters:

Total site Area: c.17.1 hectares.

Net Developable area: c.11.56 hectares.

Density: 74uph (net).

Tenure: 343 Social Housing, (c.40%), 340 Cost Rental Units (c.40%) and 170 Affordable Purchase Units (c.20%).

Communal Open Space (apartments): includes semi-private courtyards for each apartment block (c. 2455sq.m, c.1400sq.m, c.1390sq.m and c.1758sq.m respectively)

Public open space: c.3.64 hectares as follows:

- Lawrence Lands Park' (3.12ha), located centrally within the scheme, featuring the re-opened River Naniken and incorporating allotments, orchards, nature trails, skate and scooter park, wetlands with boardwalks and weir/pedestrian bridge over, cycle trails and woodlands;
- 5 pocket parks including Kilmore Gardens (580 sq.m), Lawrence Gardens (2,548 sq.m), Castle Gardens (1,522 sq.m) Pocket Park West 1 (260 sq.m) and Pocket Park West 2 (260 sq.m).
- Within the Lawrence Park Lands it is proposed to daylight the previously culverted Naniken stream through a naturalised open channel with integrated wetland/wildlife pond.

Parking:

Car: 797 no. spaces (671 residential and 126 no. spaces to serve Neighbourhood Hub, creche and visitors, 32 no. disabled spaces and 16 no. motorcycle spaces.

Bicycle: 1412 no. long stay resident and 394 no. short stay visitor parking spaces, 40 no. scooter parking spaces near Neighbourhood Hub and Creche.

Access:

- Primary vehicle access proposed via a three arm signal controlled junction from Coolock Lane (R104). Will also provide for upgraded/new pedestrian and cycle infrastructure.
- A second vehicular access is proposed to be created from Lorcan Park to the south. This access will serve a cluster of 64 units (Phase 1A) of the development only with no through access for general vehicular traffic to the remainder of the site.
- 7 no. new pedestrian/cyclist access points including 4 at Coolock Lane, 1 at Lorcan Park, 1 at Castletimon Gardens and 1 at Castletimon Road.

Unit Mix & Height:

4 no. apartment blocks containing 435 apartments and 40 duplex as follows:

- Block BA-01: (6 storeys), 162 units (6 studio, 38 1 bed, 88 2 bed, & 30 3 bed)
- Block BA-02: (6 storeys), 158 units (7 studio, 33 1 bed, 89 2 bed, & 29 3 bed)
- Block BA-03: (5 storeys), 95 units (28 1 bed, 48 2 bed, & 19 3 bed)
- Block BA-04: (3 storeys), 20 units (12 1 bed, 8 3 bed & 40 2 bed duplex)

240 no. houses and 138 duplex apartment units as follows:

- 226 no. 2 storey houses (including 58 no. 2 bed & 168 no. 3 bed)
- 14 no. 3 storey 4 bed.
- 138 no. 3 storey duplex units (including 7 no. studio, 50 no. 1 bed & 54 no. 2 bed)

	Houses	Apartments	Duplex (2 & 3 Storey)	Total
Studio	0	13	7	20
1 bed	0	111	50	161
2 bed	58	225	94	377
3 bed	168	86	27	281
4 bed	14	0	0	14
Total	240	435	178	853

Breakdown of Unit Mix

% of total units (rounded)	Apartments & Duplex	Apartments only	Houses only
Houses – 28%	Studio – c.3.2%	Studio – c.3%	2bed – 24.1%
Apartments -51%	1 bed – c.25.5%	1bed – c.25.5%	3bed- 70%
Duplex/Triplex – 21%	2 bed- c. 50.6%	2bed- c. 51.7%	4bed – 5.8%
	3 bed – c. 17.9%	3bed – c.19.8%	

In addition to the standard plans and particulars, the application is accompanied by the documents and reports which include inter alia:

- Planning Statement & Statement of Consistency with Dublin City Development Plan 2022-2028.
- Statement of Consistency with National & Regional Policy and S.28 Guidelines.
- Statement of Response to DCC LRD Opinion.
- Childcare Demand Assessment.
- School Demand Report.
- Community and Social Audit.
- Housing Quality Assessment.
- Architectural Design Statement.
- Appendix B (Materials and Finishes)
- Appendix C (Privacy Impact – Receiving Environment Study)
- Community Safety Strategy.
- Universal Design Statement.
- Landscape Strategy and Design Statement.
- Tree Survey.

- Arboricultural drawings.
- Infrastructure Design Report.
- Traffic and Transport Assessment.
- Mobility Management Plan.
- Construction & Environmental Management Plan.
- DMURS Compliance Statement.
- Site Specific Flood Risk Assessment.
- Technical Note: Naniken Stream Assessment.
- Residential Climate Action Energy Statement.
- Commercial Climate Action Energy Statement.
- Site Lighting Report.
- Telecommunication Report.
- Appropriate Assessment Screening Report.
- Natura Impact Statement.
- Wintering Waterfowl & Shorebird Survey Results 2022.
- Resource and Waste Management Plan.
- Operational Waste Management Plan.
- Wind Microclimate Modelling.
- Glint and Glare Assessment.
- Environmental Impact Assessment Report.
- Ground Investigation Report.
- Waste Classification Report.
- Building Lifecycle Report.
- Property Management Strategy Report.

3.0 Planning Authority Pre-Application Opinion

A section 32 Consultation Meeting took place on the 20th September 2022 with representatives of the applicant and planning authority in attendance.

A Large Scale Residential Development (LRD) Opinion issued on the 23rd September 2022 This set out that the documentation submitted constituted a reasonable basis for an application for permission for the proposed LRD under Section 34 of the Act.

The application includes a response to the LRD Opinion issued by Dublin City Council and a response to the points of specific information requested. This is included in the documentation on file from the planning authority.

The items raised in the LRD Opinion included:

1. Demonstration of consistency with National and Regional Guidelines and policies/objectives of the Development Plan.
2. Residential Amenity – Existing and Proposed.
3. Design/Finishes.
4. Parks/landscape.
5. Traffic and Transportation Issues.
6. Archaeology.
7. Surface Water Management, Flood Risk and Foul Drainage.
8. Other (includes list of documentation to be submitted with the application)

4.0 Planning Authority Decision

4.1 Decision

Dublin City Council issued a decision to grant permission subject to 43 no. conditions.

4.2 Planning Authority Reports

4.2.1 Planning Reports

Planner Report (23rd February 2023)

The report provides a summary of the proposed development, the LRD process and submissions received. The report reviews the characteristics of the site and the proposed development and various national policies and provisions of the development plan.

The Planner has set out their assessment in section 13 under various headings and addresses inter alia:

A detailed assessment of each proposed phasing of the development, third party impacts, open space provision, dual aspect, density, outer public safety zone for Dublin Airport, height, unit tenure and mix, unit size, operation and management of the scheme, community safety and security, children's play area, childcare facilities, community and social audit, neighbourhood facility, daylight and sunlight impacts, part V, traffic/access/parking, easements, environmental considerations (AA & EIA), glint and glare assessments, wind microclimate modelling.

The planning authority concluded that the development would be unprecedented in seeking to deliver housing fully outside normal market conditions. The scheme would be high quality in design, layout and materials and provides redevelopment of a large and long vacant strategic land bank. The development would not impact unduly on existing residential amenities and would provide a number of positive aspects to improve the general amenity of the wider area in terms of public parks, the neighbourhood centre, the creche and sports facilities.

The planning authority concluded that while scheme is somewhat ambitious with regard to height and density it is still consistent with the objectives of SDRA16 as it provides over 850 units and is considered that the development is consistent with the current 2022-2028 Dublin City Development Plan and national guidelines and recommended that permission be granted subject to the conditions. Having regard to the nature and scale of the proposed development, the zoning objective for the site and the relevant policies and objectives of the current Dublin City Development Plan 2022-20228 the planning authority considered that the proposed development would not cause serious injury to the residential amenities of the area and, subject to compliance with the conditions set out, it is considered that the proposed development would be consistent with both the provision of the current City Development Plan and with the proper planning and sustainable development of the area.

The planning authority decision to grant of permission subject to 43 no. conditions. These are broadly standard in nature. Conditions of note include:

- **No. 10.** Refers to when laying out internal roadways and pavements the applicants shall provide a footpath up to the boundary with Lorcan Crescent with no planting to this section of the boundary wall.
- **No. 11** Re: compliance with the requirements of the Transportation Planning Division requirements.
- **No. 29:** Re: requirement to retain the services of a qualified Arboriculturist.
- **No. 30** Re: requirement for public artwork.
- **No. 32.** Re: requirement to commission a suitably qualified herpetologist to survey drainage ditches for the presence of amphibians and frogspawn.
- **No. 33: Re:** restriction on site clearance and removal of vegetation. And requirement for nest boxes, swift boxes.
- **No. 34. Re:** requirement to commission a qualified ecologist with is a NPWS licensed bat worker to survey for bats prior to site clearance. Sets out requirements if bats are found. Requirement for bat boxes etc.
- **No. 35. Re:** requirements for lighting and bats.

- **No. 36. Re:** requirement for ecologist to re-check for badger setts and associated requirements.
- **No.37. Re:** archaeology requirements.
- **No. 38. Re:** requirements of EHO.
- **No. 39. Re:** requirements of Drainage Division.
- **No. 40. Re:** requirements of Irish Water (Uisce Eireann)
- **No. 42. Re:** requirements of daa.
- **No. 43. Re:** revision required as follows:
 - a) The parking courts serving BT06 & BT07 in Planning Zone 01 and BT19 & BT20 in Planning Zone 03 shall have the green space to either side of the vehicle entry to the parking area built up as green banks with planting. Within each parking court planted dividers , including trees, shall be provided between every two parking spaces. This may require a slight reduction in the green spaces to the west on each case.
 - b) With regard to the Duplex buildings of unity type BZ07 fronting onto Lawrence Park on its south side, in each case where such individual units have a rear garden which then abuts onto the boundary of the rear gardens of houses adjacent to the aforementioned buildings shall have secure glazing to a height of at least 1.8m above finished floor level applied to their 1st and 2nd rear elevations. A compensatory window to serve the 1st floor bedroom shall be inserted on the recessed gable wall facing the first floor balcony. This balcony shall have a 1.8m high obscured glazed screen to its outer edge.

Overhead at 2nd floor level, a window shall be inserted in the gable above the balcony to serve the adjoining bedroom.

- c) All ground floor units within the four apartment buildings which face onto public streets shall have privacy planting to the front of each terrace composed of hardy perennial shrubs and/or other obviation measures for privacy. Section shall be provided through relevant frontages demonstrating compliance. The applicant shall avoid excessive use of obscure privacy screens beyond those shown on the submitted plans.
- d) The use of render finish shall be significantly reduced on blocks BA01, BA 02 and BA03 as follows: (i) all elevations to block BA01 shall reflect the finish proportions on Elevation B facing the Lawrence Lands Park (drawing title Block BA01-Elevations); (ii) all elevations to block BA02 shall reflect the finish proportions on Elevation B facing the Lawrence Lands Park (drawing title Block BA02 – Elevations), and (iii) all elevations to block BA03 shall reflect the finish proportions on Elevation C facing the Community Centre (drawing title Block BA03 – Elevations).
- e) In block BA01 full height windows shall be inserted on the adjacent perimeter corridor areas – so as to provide passive surveillance over the communal terraces at levels 04 ad 05.
- f) In block BA02 the two A1CA units at the inner southwest and southeast corners of the west and east block respectively and the two A1CA on the southern block shall have opaque high level 1.8m glazed screens to balconies' southern edges in the case of the west/east units, and west edge of the balconies to the western of the two A1CA units and east edge of the balconies to the western of the two apartments to prevent viewing angles towards bedrooms diagonally opposite.
- g) In block BA03 the privacy screen to the immediate south of A1CA unit in the west arm of the block shall be omitted from each floor.
- h) The bicycle store in the courtyard of block BA01 shall have floor to ceiling windows to its southern elevation facing into the courtyard.
- i) The bicycles stores at ground floor of block BA02 shall have either windows/mesh screening into the car parking area or windows onto the internal corridors of the block.

- j) The bicycles stores at ground floor of block BA03 shall have windows into the courtyard.
- k) The bicycles stores at ground floor of block BA04 shall have windows/mesh screening into the car parking areas.

Development shall not commence until revised plans, drawing and particulars showing the above amendments have been submitted to and agreed in writing by the planning authority, and such works shall be fully implements prior to the occupation of the buildings.

4.2.2 Other Technical Reports

Internal departmental reports:

Transportation Planning Division (16th February 2023). No objection subject to conditions.

Engineering Department - Drainage Division (10th February 2023). No objection subject to conditions.

Parks, Biodiversity & Landscape Service (3rd February 2023). No objection subject to conditions.

Archaeology Section (26th January 2023). Overall no objection subject to conditions. Including the requirements for second phase of archaeological test trenching.

Air Quality Monitoring & Noise Control Unit (23rd January 2023). In the absence of acoustics report to assess the potential noise impacts from the adjoining M1 interchange and roads refusal is recommended.

4.3 Prescribed Bodies

The planning authority referred to the application to the following prescribed Bodies:

Transport Infrastructure Ireland (TII) (2nd February 2023), states issues with the presentation of the application and information provided with regard to the Port Tunnel requires further information.

Irish Aviation Authority (IAA) (24th January 2023), in the event of a grant of planning permission a condition relating to crane use is requested to be included.

Dublin Aviation Authority (daa) (3rd February 2023), in the event of a grant of planning permission a condition requiring that proposals for crane operation be agreed with the daa.

National Transport Authority (NTA) (2nd February 2023), no objection subject to conditions.

Uisce Eireann (formerly Irish Water) (8th February 2023), development is feasible without infrastructure upgrades for water or wastewater. No objection subject to conditions.

4.4 Third Party Observations

13 valid submissions were received at planning application stage. These include submission from elected representative Deputy Roisin Shortall and Cllr John Lyons. They also included submissions from the current appellants.

Issues raised in the submissions included inter alia the following:

- Connection between scheme and existing housing estates (Castletimon Gardens, Lorcan Crescent and Lorcan Park).
- Construction Traffic.
- Traffic management and parking.
- Heights.
- Tenure mix.
- Community facilities.
- Capacity of existing social infrastructure.
- Dublin airport flight path.
- Overdevelopment
- Residential amenities (overlooking/overshading/noise).
- Anti-social behaviour.
- Naniken River protection.

5.0 Planning History

PA Ref. 6013/07 refers to a 2007 application that was withdrawn for development on the site comprising a mixed use scheme of residential, commercial and community uses.

6.0 Policy Context

6.1 National

The National Planning Framework – Project Ireland 2040, (2018).

This document sets out the Government's strategic national plan for shaping the future growth and development of Ireland for the period up to 2040.

Of note National Strategic Outcome 1 (Compact Growth), sets out the focus on pursuing a compact growth policy at national, regional, and local level. From an urban perspective the aim is to deliver a greater proportion of residential development within existing built-up areas of cities, towns, and villages; to facilitate infill development and enable greater densities to be achieved, whilst achieving high quality and design standards.

Relevant policies include NPO 4, 6, 11, 13, 18a, 18b & 35. Chapter 6 deals with the matter of 'People Homes and Communities' and includes 12 objectives among which:

Objective 27 seeks to: "ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments, and integrating physical activity facilities for all ages".

Objective 33 seeks to: "prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location";

Objective 35 seeks to: “increase residential densities in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights”.

Housing for All – A New Housing Plan for Ireland to 2030, 2021.

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.

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.

Section 28 Ministerial Guidelines

Having considered the nature of the proposed development sought under this application, its location, the receiving environment, the documentation contained on file, including the submission from the Planning Authority, I consider that the following guidelines are relevant:

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, including the associated Urban Design Manual (2009) (the ‘Sustainable Residential Development Guidelines’).

- Design Manual for Urban Roads and Streets (DMURS) (2019).
- The Planning System and Flood Risk Management (including the associated Technical Appendices) (2009).
- Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2020) (the 'Apartment Guidelines').
- Urban Development and Building Height, Guidelines for Planning Authorities (2018) (the 'Building Height Guidelines').
- Childcare Facilities – Guidelines for Planning Authorities (2001)

Other relevant national guidelines include:

- Framework and Principles for the Protection of the Archaeological Heritage Department of Arts, Heritage, Gaeltacht and the Islands 1999.
- Design Manual for Urban Roads and Streets (DMURS), 2013 (2019)
- Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities', 2007.
- Sustainable Urban Housing, Design Standards for New Apartments, Guidelines for Planning Authorities, 2020.
- The Planning System and Flood Risk Management (including associated Technical Appendices) 2005
- Urban Development and Building Heights – Guidelines for Planning Authorities, 2018.
- Spatial Planning and National Roads Guidelines 2012
- Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment, August 2018 (updated 2019)
- EPA Guidelines on the Information to be contained in Environmental Impact Assessment Reports 2022

6.2 Regional

The Eastern and Midland Regional and Spatial Economic Strategy,

Builds on the foundations of Government policy in Project Ireland 2040, which combines spatial planning with capital investment. Chapter 4 (People & Place) sets out a settlement hierarchy for the Region and identifies the key locations for population and employment growth.

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.

Greater Dublin Area Transport Strategy 2022-2042 (NTA)

This 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

Dublin City Development Plan 2022-2028

The bulk of the site is located on lands zoned under land use zoning objective **Z12** Institutional Land (Future Development Potential) with a stated objective '*to ensure existing environmental amenities are protected in the predominantly residential future use of these lands*'.

The Plan sets out that where lands zoned Z12 are to be developed, a minimum of 25% of the site will be required to be retained as accessible public open space to safeguard the essential open character and landscape features of the site. Where such lands are redeveloped, the predominant land use will be residential.

In considering any proposal for development on lands subject to zoning objective Z12, other than development directly related to the existing community and

institutional uses, Dublin City Council will require the preparation and submission of a masterplan setting out a clear vision for the future development of the entire landholding.

A small section of the eastern portion of the site adjoin Castletimon Garden is located on lands zoned under land use zoning objective **Z1** with a stated objective '*to protect, provide and improve residential amenities*'.

The north eastern corner of the site is located within the Dublin Airport Public Safety Zone.

The appeal site 'Oscar Traynor Road Site' is designated a Strategic Development Regeneration Area (SDRA 16)

Section 13.18 sets out the overarching vision for the SDRA and guiding principles that apply.

Maximise the potential of a well-connected but underutilised low density residential lands.

The site has an estimated capacity of 850-1000 units in addition to community, recreational and retail facilities.

Guiding principles include inter alia:

Land Use:

- Create a planned residential quarter integrated with the surrounding established area and with enhanced permeability. A mix of unit types and tenures.
- Provide new neighbourhood centre promoting a distinctive place making component at the entrance to the site. Local hub (local retail, services, creche and community uses). The centre should integrate a central park that incorporates the Nankin river as an integral feature.
- All development proposal to adhere to development guidance on flight path, airport noise and public safety zones.

Height:

- Northern and western edges heights ranging 6-10 storeys subject to appropriate design considerations. Scaling down to the east and south adjoining existing 2 storey.
- Heights in the central part should be designed to respect the orientation of the park and form a coherent civic frontage to the park. A strong spine of higher apartment buildings presenting their ends to the motorway to optimise site orientation and created sheltered courtyards spaces may be appropriate.

Design:

- Seek high quality design, paying particular regard to the approaches from M1 southwards and along Coolock lane/Oscar Traynor Road. Elevational treatment and materiality to provide both variety and coherence.
- Create architectural solutions to single buildings (neighbourhood centre etc).
- High quality materials for boundaries and public realm.

Green Infrastructure:

- Provide high quality green spaces for a range of users. Minimum 20% open space.
- Ensure Nankin stream forms an integrated feature of the central park and include habitat ponds and naturalised river sections where feasible.
- Network of paths.
- Provide a new urban park connecting to the Gaelscoil grounds with urban play are located close to school and accessed from school.

Movement and Transport:

- Provide high levels of permeability and connections with existing residential streets to the east and south where feasible and links to north-west to connect with the western side of the M1 Port Tunnel access route. Permeable green routes through the site to make connections to the wider community, Coolock Lane and school.
- Provide increased pedestrian safety and permeability as set out.
- Upgrade existing two stage pedestrian crossing on Coolock Lane to a single stage toucan crossing. A toucan crossing to be provided across the southern arm of the junction which will connect to a segregated pedestrian/cyclist route

on the western side of the Oscar Traynor Road (OTR) access and a shared facility on the eastern side.

I do not propose to set out all relevant policies and objectives. Those of note are highlighted, it is not an exhaustive list and should not be read as such and the Board should consider inter alia the following:

Section 2.2.3 Settlement Strategy

Section 2.2.6 Public transport.

Chapter 4 Shape and Structure of the City.

This chapter includes SC10 (urban density), SC23 (Design Statements)

Chapter 5 Housing

QHSN3 (Housing Strategy & HNDA), QHSN10 (urban density), QHSNO11 (universal design), QHSN26 (High Quality Apartment Development), QHSN47(High Quality Neighbourhood and Community Facilities),

Chapter 12 Culture

CUO25 (SDRAs and Large Scale Developments), CUO31 (Artist Workspaces)

Chapter 15 contains Development Standards

Appendix 3. Achieving Sustainable Compact Growth Policy for Density and Building Height in the City.

Appendix 4 Parking.

Appendix 13 Guidelines for Childcare Facilities.

Appendix 16 Sunlight and Day Light.

6.4 Natural Heritage Designations

The appeal site is not located within or adjacent to any European Designed sites or pNHA, NHA.

7.0 The Appeal

Two third party appeals have been received in respect of Dublin City Council's recommended decision to grant permission. The grounds of appeal also include a copy of the original submission on the application on the grounds of inappropriate density.

7.1 Grounds of Appeal

While there is overlap between the grounds raised by both appellants, for clarity I shall set them out separately below. My assessment will consider the grounds of appeal

7.1.1 Appeal no. 1 by Marie Warren & Margaret Farrelly on behalf of Castletimon Residents Association.

The grounds of appeal are summarised as follows:

Traffic and Transportation

- Local roads in the Kilmore area (Castletimon Road, Dundaniel Road, Kilbarron Road and Cromcastle Road are the subject of heavy congestion.
- Additional traffic from the proposed houses will exacerbate the situation.
- Traffic along Oscar Traynor Road results in significant overflow parking along the adjoining residential roads, especially Castletimon Road and Castletimon Garden at school pick up/drop off time.
- Concerns that the future link to Castletimon estate may happen and traffic flows through the estate are a concern.

Residential Amenity

- The proposed 3 storey triplex is not acceptable, 2 balconies face Castletimon Gardens resulting in in loss of privacy and overlooking.

- Sunlight and daylight impacts on Castletimon.
- Detrimental impact in particular on no. 12 and 13 from the 3 storey triplex.

Design & Height

- Overall design out of keeping with 2 storey heights of the Gardens and houses facing onto street.

7.1.2 Appeal No. 2 by Peter Maher

The grounds of appeal are summarised as follows:

Traffic and Transportation

- Traffic congestion.
- Creation of rat runs.
- A new Traffic Report is required and new assessment of the impact on traffic flows in the area considered as the traffic assumptions in the submitted report are too low.

Residential Amenity

- Overlooking of no. 129 Lorcan Avenue due to inadequate boundary treatment.
- Gable wall of proposed houses faces No. 129 resulting in a negative impact.
- The provision of a roadway along the northern end of Lorcan Avenue is not acceptable and will have a negative impact.

Landscaping & Boundary Treatment

- Inadequate boundary treatment.

Height & Dublin Airport Flight Zone.

- 6 storey apartment blocks are not acceptable as the site is in the airplane flight zone and planes fly low across area.

7.2 Applicant's Response

The applicants submitted a response to the Third Party Appeals. Overall the applicants are of the view that the issues raised in the grounds of appeal have been addressed in the documentation submitted with the planning application to Dublin

City Council and request that the Board uphold the Council's decision to grant permission.

The response addresses the grounds of appeal raised by both third party appellants separately. And broadly reiterates points addressed in the application documentation. Points of note include:

7.2.1 Response to appellants No. 1- Marie Warren & Margaret Farrelly on behalf of Castletimon Residents Association:

- The project has been the subject of extensive community engagement and consultation. The applicant submits that the inclusion of triplex was highlighted in May 2022.
- Refers the submitted Daylight and Sunlight Assessment regarding no impacts on adjoining properties.

7.2.2 Response to appellant No. 2 - Peter Maher:

- The layout is largely consistent with that shown on the Masterplan prepared for the lands which was selected by DCC as the preferred tender stage design.
- The separation from the end unit of the row of terraced houses (house type H3AA) to the shared boundary with No. 127 and 129 Lorcan Avenue ranges from 2.22m to 4.08m. It is also submitted that this provides for a generous separation distance of 25.3m to the nearest dwelling at No. 127 Lorcan Avenue. To overcome any potential overlooking this location, the gable wall of this end unit has no windows.
- The height and massing will also ensure that the main habitable rooms and gardens of the properties at Lorcan Avenue will not be the subject of overbearance.
- No negative impacts regarding overshadowing.
- The proposed boundary treatment at this point is consistent with boundary treatment proposed along the full extent of the external boundary where the site bounds rear gardens of adjacent properties.

- Regarding roadway ending at the boundary wall, it is submitted that it is not clear the nature of the underlying concern. But highlight that the planning authority raised no concerns regarding this cul de sac.

7.3 Planning Authority Response

The planning authority's response to the third party appeals includes a memo requesting that the decision to grant permission be upheld and a number of conditions highlighted. The response includes a report from the DCC Transportation Planning Division which is summarised as follows:

- The concerns raised about traffic congestion are noted. A number of sustainable transport initiatives are proposed to improve access to the Oscar Traynor Road (OTR) area.
- In the short term TII in conjunction with DCC and FCC are developing a proposal to upgrade and signalise the Coolock interchange. This will improve traffic flows and provide safe pedestrian facilities between Santry and Coolock. These works are planned to take place in 2023.
- In the medium term, the BusConnects Swords to City Centre CBC project will deliver premium public transport and cycling facilities to the area, providing a more sustainable solution to the traffic congestion problems in the area.
- DCC Transportation Planning Division have liaised with the applicants to develop a robust Mobility Management Strategy for the site.
- In relation to the potential future accesses onto Castletimon Road/Gardens, this planning application does not propose any vehicular access at these locations, save for emergency service access. Any future access would be the subject of a separate statutory process. The proposed development has been designed such as not to preclude potential future connections but does not propose any.
- Overall DCC Transportation Planning Division is satisfied with the plans and particulars submitted for the proposed development.

7.4 Observations

The following observations have been received:

7.4.1 Dublin Aviation Authority (daa) (17th April 2023)

Refer the Board to the submission made to DCC on the 3rd February 2023 which raised the following issues:

- The proximity of the proposal to the airport means the operation of cranes during construction may cause concerns in relation to air safety. It is requested that a condition is attached requiring the developer to agree any proposals for crane operations (whether mobile or tower) in advance of construction with the daa and IAA.
- The site is partially located within the Outer Public Safety Zone of Dublin Airport. As such DCC need to consider the appropriate density recommendations contained in the ERM Report Public Safety Zones 2005 when assessing the application.

7.4.2 Transport Infrastructure Ireland (TII) (14th April 2023)

Refer the Board to the submission made to DCC on the 2nd February 2023 which raised the following issues:

- TII consider that the issues raised at planning application stage with DCC, regarding the identification of the location, potential impact and mitigation proposed for potential impacts on the M50 and Dublin Tunnel be undertaken prior to a decision being made on the application, have not been addressed.
- TII consider the content of condition no. 11 inadequate to address the requirement to protect the national road network and assets or public safety with respect to appropriate provision for improve pedestrian/cycle connection.
- TII considered that matters raised in the original TII Submission have not been resolved appropriately. Based on the information submitted TII is unable to ascertain or evaluate whether national road interactions within the TII maintained area, the Dublin Tunnel zone and all associated infrastructure assets have been considered especially with regard to future residential

amenity and maintenance of the operation and safety of the national road network.

- TII is unable to ascertain if appropriate mitigation measures have been proposed in accordance with section 3.7 of the Spatial Planning and National Roads Guidance for Planning Authorities which is the responsibility of both the planning authority and the developer to demonstrate that this matters have been addressed. There is no evidence that such an exercise has been carried out. In the absence of demonstration of appropriate mitigation measures TII advises that it will entertain no future claims in respect of impacts on the proposed development and residents, if approved, due to the presence of the existing road or necessary improvements.
- TII highlight that, notwithstanding commentary by DCC, the requirement for improved pedestrian/cycle connection of objective SMTO30 Coolock Lane to Oscar Traynor Road Pedestrian /Cycle Connections identified in the current City Development Plan have not been progressed to date. TII advises that the proposed cycle and pedestrian accesses along the northern boundary of the site are premature pending the agreement of the delivery of improved onward connections as set out in the SMTO30 of the Plan between TII, NTA and DCC.

TII have included 5 no. conditions required for the safety, efficiency and carrying capacity of the national road network.

No. 1 requires that prior to the commencement of development plans and details identifying the M50, Dublin Tunnel and associated infrastructure and structure including drainage locations relative to the proposed development at construction and operational stages.

No. 2 refers to the requirement for a Construction Method Statement.

No. 3 refers to the Construction and Environmental Management Plan including the outline Construction Traffic Management Plan to be updated to include the national road network and infrastructure.

No. 4 refer to consultation with TII regarding any potential works that may impact the national road network.

No. 5 refers to any works to national road structure require technical acceptance.

TII concluded that in view of the position of the appeal site and extent of development proposed adjacent to a section of national road infrastructure of critical national importance, TII emphasis the important of the proposal identifying and appropriately mitigating any potential impact on the capacity, safety or operational efficiency of the national road network, including the Dublin Tunnel.

7.5 Response by Peter Maher to appeal by Marie Warren & Margaret Farrelly on behalf of Castletimon residents.

This is broadly summarised as follows:

- Traffic issues raised at planning application stage have not been addressed.
- Issues relating to: congestion, pollution from traffic, overflow parking onto residential estates.
- No need for links to Castletimon or Lorcan Avenue. These would only encourage parking in those estates. A closed boundary would address this.
- Omit the 3 storey triplex. Told they would only be 2 storey.

8.0 Assessment

The main issues in this appeal case are those raised by the Third Parties in their grounds of appeal submissions. TII have raised issues in their submission which I am of the view must also be included in the assessment of this appeal. These constitute a new Issue as not addressed in the grounds of appeal notwithstanding that the issues were address at application stage as raised by TII in their original submission dated 2nd April 2023 to DCC.

I address Environmental Impact Assessment and Appropriate Assessment separately in sections 9 and 10 below, and propose to address the remaining issues under the following headings:

- Design, Height & Layout
- Impacts on existing residential properties
- Traffic and Transportation

- Issues raised in the-Transport Infrastructure Ireland (TII) in the submission dated 14th April 2023. (NEW ISSUE).

8.1 Design, Height & Layout

The appellants have raised issue with the overall design. Layout and height of the proposed development which is not considered to be in keeping with the existing built environment which is predominantly traditional 2 storey housing.

The height of the apartment blocks has also been raised in the grounds of appeal and their unsuitability for the site in terms of both existing built environment, visual impact and their location with the Dublin Airport Public Safety Zone. Impact on existing residential amenities is also raised which I address in section 8.2 below.

Section 13.18 of the Dublin City development Plan 2022-2028 sets out the requirements for development in SDRA16. includes guidance on heights setting out that height ranging from 6 to 10 storeys at the northern and western edge subject to appropriate design considerations and scaling down to the east and west adjoining existing two storey. Guidance on the central portion is also include and this sets out that height should respect orientation of the park and form a coherent civic frontage to it.

The development which is the subject of this appeal is for 853 residential units comprised of 240 houses (2 and 3 storeys in height), 178 duplex/triplex and 4 no. apartment blocks (3 to 6 storeys in height) containing 435 apartments. The bulk of the development is comprised of 2 storey houses which area spread out evenly throughout development. With 2 and 3 storey comprising the closest units to the boundaries with Castletimon and Lorcan Avenue. A large park (Lawrence Park) with the daylighted Naniken Stream is located centrally within the site. With five pocket parks located throughout the development and easily accessible for all units. I consider that the proposed development before the Board is broadly in compliance with the vision and guidance set out with regard to layout, height, uses and scale in section 13.18 of the current City Plan for development at this location on SDRA16 lands.

I am of the view that the proposed development in terms of design, height and layout has had regard to the context of the site and maximises its potential while also having regard to the existing building environment and urban form. Through the use

of design and transition in heights offers an edge to Coolock Lane while also respecting the existing houses adjoining the site at Castletimon and Lorcan Avenue in particular. Overall I am satisfied that the proposed design and layout of the development will afford a good standard of residential amenities for future occupiers.

8.2 Impacts on existing residential properties

A common theme raised in both third party grounds of appeal is the potential negative impact on the residential amenities of existing residential properties, in particular No. 127 Lorcan Avenue and houses at Castletimon Gardens and Castletimon Road arising in particular from overlooking, overshadowing, loss of sunlight/daylight and overbearing impacts.

The proposed development comprises a mix of two and three units along the boundaries with Castletimon and Lorcan Avenue. I am of the view that there are acceptable setbacks from the closest residential properties and that the proposed units have been designed to address perceived overlooking. I recognise that there are pinch points, where these occurs mitigation measures are proposed in terms of screening and design. Overall I consider that the proposed development has been designed to have regard to the residential amenities of adjoining existing properties and will provide an acceptable built environment for future residents.

Having regard to the orientation of the proposed units closest to the boundaries with existing houses to the east and south I am satisfied that the development does not have an overbearing impact when viewed from these properties.

On balance I consider that the proposed development in terms of design, height and layout has had regard to the context of the site and maximises its potential while also having regard to the existing building environment and urban form. A degree of overlooking is to be expected in urban areas, I am of the view that it does not occur to such a degree to warrant a refusal on these ground and the ground of appeal on these grounds should be dismissed.

The grounds of appeal also raised overshadowing of adjoining properties area as an issues. The houses along Castletimon Gardens to the east of the site area set back from the site boundaries with an estate road, foot path and front gardens facing the site. Given the set back and height of the proposed development at this point I am satisfied that overshadowing of the main amenity area of these houses (which are

located to the rear of same) does not occur from the proposed development. With regard to the rear garden of Lorcan Avenue houses bounding the site, these are located to the south of the site and sufficiently set back from the proposed development that overshadowing does not occur to such an extent to warrant a reason for refusal on these grounds.

Access to daylight/sunlight is addressed in the assessment submitted with the application documentation. The closest sensitive receptors are the houses bounding the site in Lorcan Avenue. Houses in Castletimon Gardens face the site and are separated from it by the access road and front gardens as outlined above. Houses along Castletimon Road back on the application site where two storey units are proposed. Having regard to the setback and height of the proposed units at this point I consider that access to daylight for the houses along Castletimon Road at this point will not be impacted in a negative manner. I am satisfied that the development complies with the BRE Guidelines in this regard. DCC have not raised concerns in relation to this matter.

Appellants also raised the location of the site in the Dublin Airport Safety Zone in the grounds of appeal. The zone includes the northeaster portion of the site where is bounds the existing school and residential estate of Castletimon. Concerns were raised that low flying planes would be impacted by the proposed 6 storey blocks. I have reviewed the site layout and I am satisfied given the context of the site and existing built environment which comprises predominantly suburban residential estates at this point of the Dublin Airport Safety Zone that this is not a concern. I note that the daa raised the location of part of the site within the Dublin Airport Public Safety Zone but did not recommend that the development be refused permission on these grounds. The EIAR submitted with the application also references the location of the site in this Safety Zone but does not delve into much detail on the matter. DCC recommended that permission be granted with the full knowledge that the Safety Zone affects a small portion of the site as is shown on the land use zoning map in the Dublin City Development Plan 2022-2028. On balance given the context of the site I am of the view that a refusal of permission on these grounds is not warranted as it affects a small portion of a zoned serviced site.

8.2 Traffic and Transportation

It is proposed to serve the appeal site by a primary vehicle access proposed via a three arm signal controlled junction from Coolock Lane (R104). The development also includes proposals to provide for upgraded/new pedestrian and cycle infrastructure. A second vehicular access is proposed to be created from Lorcan Park to the south. The applicant has stated that this access would serve a cluster of 64 units (Phase 1A) of the development only with no through access for general vehicular traffic to the remainder of the site.

Appellants have requested that the secondary access via Lorcan Park is omitted from the proposed development as this would result in rat runs and increase potential for kerb side parking along the adjoining residential roads in Lorcan Park and adjoining roads. This matter was noted by DCC Transportation Planning in their appeal submission and it is acknowledged that any new vehicular access at this point would be the subject of a separate application and assessed separately.

The site layout plan shows a vehicular access via Lorcan Avenue to the south of the proposed development. The application documentation clearly outlines that this is to be used by a cluster of 64 units only. I note the concerns raised. In the interest of mobility and permeability vehicular linkages to adjoining estates are welcomed, traffic movements associated with 64 units would not have such an impact on the existing road network at Lorcan Park to warrant a refusal of planning permission on these grounds and I this ground of appeal should not be upheld.

The proposed development also includes 7 no. new pedestrian/cyclist access points including 4 at Coolock Lane, 1 at Lorcan Park, 1 at Castletimon Gardens and 1 at Castletimon Road. Appellants have raised concerns with the links to Lorcan Park and Castletimon Road and Castletimon Gardens in particular and requested that these be omitted. The proposed pedestrian/cycle links are in accordance with DMURS and encourage connectivity and permeability through the site and with adjoining lands. There is no evidence before me that such link would result in increased kerb side parking on adjoining residential streets in particular, Lorcan Park, Castletimon Gardens or Castletimon Road. It is common practice for indicative linkages to be show up to site boundaries for developments, the opening of which may require the relevant consents. I consider acceptable and the ground of appeal relating to this matter should not be upheld. I consider that the provision of the standard condition addressing these links is appropriate in the interest of promoting

permeability and legibility and should be attached if the Board is of a mind to grant permission.

Another ground of appeal relates the increased traffic movements associated with the development and that this would exacerbate traffic movements and congestion on the local road network. Concerns regarding the traffic survey were also raised. Chapter 6 of the EIAR Addresses Traffic and Transportation. DCC Transportation Planning in their response to the appeal have reinstated that they have no objection of the proposed development subject to appropriate conditions.

Issues relating to construction traffic are also addressed in the submitted EIAR, and in Construction Stage traffic Management Plan. These include details of construction traffic routes, traffic management measures and communication procedures. These impacts are temporary and acceptable.

The grounds of appeal also refer to parking along Castletimon Road, Castetimon Gardens, Lorcan Avenue and other residential streets. Which is exacerbated at school drop off/pick up times. This matter is beyond the remit of this application.

With regard to the potential overspill from the proposed development onto adjoining residential streets. Parking is provided for the proposed development within the confines of the site. 797 no. car parking spaces (671 residential and 126 no. spaces to serve the Neighbourhood Hub, Creche) and visitors, 32 no. disabled spaces and 16 no. motorcycle spaces are proposed.

Bicycle: 1412 no. long stay resident and 394 no. short stay visitor parking spaces, 40 no. scooter parking spaces near Neighbourhood Hub and Creche.

Car and bicycle parking is acceptable a generally in compliance with the Dublin City Developemtn Plan requirements.

8.3 Issues raised by Transport Infrastructure Ireland (TII) in the submission dated 14th April 2023.

TII in their submission to An Bord Pleanála dated 14th April 2023 have reiterated issues raised in their submission to DCC at planning application stated (LRD 6019-22S3). I note that Transportation Planning Division and DCC Drainage Division did not raise this issues as a concern at planning application stage. I further note that TII

have outlined concerns but have not recommended that the development be refused permission on the grounds raised.

No new information has been submitted and I note that the TII submission was not circulated to the applicant as there no provision in the LRD legislation for circulation as is the case for standard Planning Appeals under section 131 of the Planning and Development Act 2000 (as amended).

TII in their submission raised issues with the presentation of the application and information provided with regard to the Port Tunnel requires further information. This matter was raised at application stage.

The documentation on file refers to Irish Water (now Uisce Eireann) infrastructure, in particular the Naniken stream culvert (750mm concrete pipe) which receives water from a Siphon crossing under the M50 port tunnel, this in turn conveys the Naniken Stream across the site (serves as the main surface water outfall for the catchment), west of the proposed development. And discharges into a c.750mm concrete pipe on Lorcan Avenue. The Naniken stream also receives water from Lorcan Crescent via a 225mm pipe.

I note the concerns raised by TII and I have inspected the site and surrounding area and reviewed the information submitted. The access to the port tunnel is located to the west of the site and is separated from the site by a slip road. The proposed development does not directly abut the tunnel/mouth of the tunnel. As set out above DCC have not raised any concerns and there is no submission on file from the NTA. The application is accompanied by an EIAR and I refer the Board to chapters (Material Assets – Built Services), 9 (Land & Soils), 10 (Water & Hydrology) and chapter 11 (Noise & Vibration) in particular which I consider address this matter in a comprehensive manner. In particular I refer the Board to table 9.1 in chapter 9 of the EIAR which refers to guidance documents consulted during the preparation of the EIAR with regard the chapter on land & soils which include inter alia 5 no. TII Guidance documents.

The application also includes Ground Investigation Reports, which identified that the majority of the site's subsoils (up to 3.0m BGL 'below ground level') consist of 'made ground'.

The information on file was assessed by both the Transportation Planning Division and the Drainage Division of Dublin City Council and no concerns relating to this matter were flagged. DCC Planning Report noted the concerns raised and recommended condition be granted and included condition no. 11 which included that Construction Management Plan be agreed with TII under 11(b). I note the concerns raised by TII regarding this condition and have reviewed the detailed condition recommended in their submission dated 14th April 2023 and requirements set out therein. Based on the information available and the reports received I consider that this matter can be addressed by condition and recommend that issues raised in the TII condition relating to the requirement for details of drainage locations, a construction method statement, CEMP and consultation with the TII regarding any works which potentially impact the national road network are included if the Board is of a mind to grant permission. Having regard to the foregoing the proposed development would not negatively affect national road network and complies with the 2012 Guidelines for National Roads.

9.0 Appropriate Assessment Screening

9.1 Compliance with Article 6(3) of the Habitats Directive

The requirements of Article 6(3) 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 section.

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

The proposed development at the 'Oscar Traynor Site', Oscar Traynor Road/Coolock Lane, Dublin 5, a residential development comprising the construction of 853 residential units, neighbourhood hub and associated works is not directly connected to or necessary to the management of any European site and therefore is subject to the provisions of Article 6(3).

The Appropriate Assessment Screening report submitted with the application concluded that the possibility cannot be excluded that the proposed development will not have significant impacts on Natura 2000 sites of North Dublin Bay SAC (site code 000206) and North Bull Island (004006) as it concluded that there is a direct hydrological pathway between the site and the two sites and that a Natura Impact Statement (NIS) is therefore required.

The issue of appropriate assessment has not been raised in the grounds of appeal. I draw the Boards attention to the fact that an NIS was submitted as part of the LRD application to Dublin City Council and is included with the LRD appeal before the Board.

9.2 Screening for Appropriate Assessment (Stage 1)

Description of Development

The applicant provides a description of the project in the Appropriate Assessment Screening Report. I refer the Board to section 3 of this report.

Description of the Site Characteristics

The applicant provides a description of the project in page in the Appropriate Assessment Screening Report. The site has a stated area of c.17.1hectares in Dublin outer suburbs. The site is currently a greenfield site bounded by the M50 , Coolock Lane/Oscar Traynor Road and established residential estates. The Naniken stream currently traverses the site in a west to east direction. Within the proposed Lawrence Park, to be located centrally within the proposed development, it is proposed to daylight the currently culverted Naniken stream through a naturalised open channel with integrated wetland/wildlife pond.

Surface water will discharge via sewer and the Naniken (when daylighted) to the closest watercourse is Santry River c.415m to the north. There are no European sites in the immediate vicinity of the site.

Relevant prescribed bodies consulted:

The submitted AA Screening report does not identify specific consultations with prescribed bodies but does refer to a desktop review of published documents and information.

At application stage the application was referred to the relevant prescribed bodies by DCC. In response to the referrals, no submissions in relation to appropriate assessment were received from the prescribed bodies. The appeal has not been referred to prescribed bodies.

Test of likely significant effects

The project is not directly connected with or necessary to the management of a European Site and therefore it needs to be determined if the development is likely to have significant effects on a European site(s).

The proposed development is examined in relation to any possible interaction with European sites designated Special Conservation Areas (SAC) and Special Protection Areas (SPA) to assess whether it may give rise to significant effects on any European Site.

Taking account of the characteristics of the proposed development in terms of its location and the scale of works, the following issues are considered for examination in terms of implications for likely significant effects on European sites:

- Habitat loss/ fragmentation/alteration
- Habitat degradation as a result of hydrological impacts.
- Disturbance and displacement impacts on QI/SCI
- Changes in water quality and resource
- Changes in population density.

An AA Screening Report is submitted with the application. No Natura 2000 sites have a direct hydrological connection to the proposed development site. However, potential pathways / connections between the application site and European sites in Dublin Bay are identified via wastewater discharge from Ringsend Wastewater Treatment Plant and via surface water to the Santry River when the proposed daylighting of the currently culverted Naniken stream occurs and via the public surface water drainage system.

Designated sites within Zone of Influence

There 15 Natura 2000 sites within 15km of the application site and are referred to in the applicant's Appropriate Assessment Screening Report. For completeness I have included a summary of the European Sites is set out below:

SACs:

- South Dublin Bay SAC (site code: 000210) c.6.4km from site.
- North Dublin Bay SAC (site code: 000206) c.5 km from site.
- Baldoyle Bay SAC (site code: 000199) c.5.9km from site.
- Malahide Estuary SAC (site code 001232) c.7.2km from site.
- Howth Head SAC (site code: 00202) c. 9.2km from site
- Rogerstown Estuary SAC (site code 000208) c.11.3km from site.
- Rockabill to Dalkey Island SAC (site code: 003000) c.10km from site.
- Ireland's Eye SAC (site code: 002193) c.10.7km from the site.

SPAs:

- South Dublin Bay & River Tolka SPA (site code: 004024) c.3.4km from site.
- North Bull Island SPA (site code: 004006) c.5km from site.
- Baldoyle Bay SPA (site code: 004016) c.6.3km from site.
- Malahide Estuary SPA (site code 004025) c.7.2km from site.
- Ireland's Eye SPA (site code 004117) c.10.5km form site.
- Rogerstown Estuary SPA (site code 004015) c.11.7km from site.
- Howth Head Coast SPA (site code 004113) c. 11.6km from site.

The submitted AA screening report identifies for pre-screening all sites within a 15km radius of the site, however, a number of these sites do not have a connection or pathway to/from the subject site and are therefore not within the extended zone of influence of the site. The applicant's AA screening report concluded that two sites in Dublin Bay with qualifying interests, which are potentially linked to the proposed development are identified as being potentially affected by the development arising from drainage from the site, surface water, during construction and occupation, and the potential for the transportation of construction and operation phase surface water containing silt/sediments, hydrocarbons and other pollutants, and/or invasive species to the downstream designated sites.

In determining the zone of influence, I have had regard to the nature and scale of the project, the distance from the development site to the European Sites, and any potential pathways which may exist from the site to a European Site.

The application site is not located within or adjacent to any European site. A potential indirect hydrological connection arises in the form of surface water run-off and storm overflows to the Santry River via the Naniken stream (which is proposed to be daylighted as noted above) at construction and operational stages. The Santry River discharges to the sea at Clontarf, within the North Dublin Bay SAC and North Bull Island SPA. Beyond these sites, there is an indirect hydrological connection to other European sites, however, these would be at greater remove and subject to further dilution effects within the bay such that significant effects from the proposed development are not considered likely. Similarly, I note that a number of the sites identified above are at a significant remove from the application site and in respect of which there is no pathway or connection which could give rise to significant effects on the conservation objectives of those sites.

The foul sewer water will be connected to an existing public network system. As such there is an indirect connection to the Dublin Bay European sites via the foul networks via Ringsend Wastewater Treatment Plant (WWTP). Using the source-pathway-receptor model, foul waters from the proposed development will ultimately drain to Dublin Bay, located to the east of the proposed development site, and therefore may indirectly have an impact. Therefore, the European sites with qualifying interests, which are potentially linked to the proposed development are South Dublin Bay SAC (site code: 000210), North Dublin Bay SAC (site code: 000206), South Dublin Bay and River Tolka Estuary SPA (site code: 004024) and North Bull Island SPA (site code: 004006).

Given the scale of the proposed development, the lack of a direct hydrological connection, the dilution provided in the estuarine/marine environment and the distances involved other sites in the bay area are excluded from further consideration this screening. I do not consider that any other European sites fall within the zone of influence of the project based on a combination of factors including the nature and scale of the project, the distance from the site to European sites, and any potential pathways which may exist from the development site to a European site, aided in part by the applicant's Appropriate Assessment Screening Report, the conservation objectives of Natura 2000 sites, the lack of suitable habitat for qualifying interests, as well as by the information on file and I have also visited the site.

European Site Name [Code] and its Qualifying interest(s) / Special Conservation Interest(s) (*Priority Annex I Habitats)	Location Relative to the Proposed Site
SAC:	
<p>South Dublin Bay SAC (site code: 000210).</p> <p>Mudflats and sandflats not covered by seawater at low tide [1140] Annual vegetation of drift lines [1210] Salicornia and other annuals colonising mud and sand [1310] Embryonic shifting dunes [2110] The NPWS has identified a site specific conservation objective to maintain the favourable conservation condition of the Annex I Habitat Mudflats and sandflats not covered by seawater at low tide [1140], as defined by a list of attributes and targets</p> <p>Conservation Objective: To maintain or restore the favourable conservation condition of the Annex 1 habitat(s) and / or the Annex II species for which the SAC has been selected.</p>	c.6.4km
<p>North Dublin Bay SAC (site code: 000206)</p> <p>Mudflats and sandflats not covered by seawater at low tide [1140] Annual vegetation of drift lines [1210] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows (<i>Glaucopuccinellietalia maritima</i>) [1330] Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410] Embryonic shifting dunes [2110] Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120] Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] Humid dune slacks [2190] <i>Petalophyllum ralfsii</i> (Petalwort) [1395]</p> <p>Conservation Objective: To maintain or restore the favourable conservation condition of the Annex 1 habitat(s) and / or the Annex II species for which the SAC has been selected.</p>	c.5km

SPA:

South Dublin Bay & River Tolka SPA (site code: 004024).

c.3.5km

Light-bellied Brent Goose (*Branta bernicla hrota*) [A046] Oystercatcher (*Haematopus ostralegus*) [A130] Ringed Plover (*Charadrius hiaticula*) [A137] Grey Plover (*Pluvialis squatarola*) [A141] Knot (*Calidris canutus*) [A143] Sanderling (*Calidris alba*) [A144] Dunlin (*Calidris alpina*) [A149] Bar-tailed Godwit (*Limosa lapponica*) [A157] Redshank (*Tringa totanus*) [A162] Black-headed Gull (*Chroicocephalus ridibundus*) [A179] Roseate Tern (*Sterna dougallii*) [A192] Common Tern (*Sterna hirundo*) [A193] Artic Tern (*Sterna paradisea*) [A194] Wetland and Waterbirds [A999]

Conservation Objective: To maintain or restore the favourable conservation condition of the Annex 1 habitat(s) and / or the Annex II species for which the SPA has been selected.

<p>North Bull Island SPA (site code: 004006)</p> <p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046] Shelduck (<i>Tadorna tadorna</i>) [A048] Teal (<i>Anas crecca</i>) [A052] Pintail (<i>Anas acuta</i>) [A054] Shoveler (<i>Anas clypeata</i>) [A056] Oystercatcher (<i>Haematopus ostralegus</i>) [A130] Golden Plover (<i>Pluvialis apricaria</i>) [A140] Grey Plover (<i>Pluvialis squatarola</i>) [A141] Knot (<i>Calidris canutus</i>) [A143] Sanderling (<i>Calidris alba</i>) [A144] Dunlin (<i>Calidris alpina</i>) [A149] Black-tailed Godwit (<i>Limosa limosa</i>) [A156] Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157] Curlew (<i>Numenius arquata</i>) [A160] Redshank (<i>Tringa totanus</i>) [A162] Turnstone (<i>Arenaria interpres</i>) [A169] Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179] Wetland and Waterbirds [A999]</p> <p>Conservation Objective: To maintain or restore the favourable conservation condition of the Annex 1 habitat(s) and / or the Annex II species for which the SPA has been selected.</p>	<p>c.5km</p>
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Potential Effects on Designated Sites

Potential indirect effects on the South Dublin Bay and River Tolka Estuary SPA (Site Code 004024), North Dublin Bay SAC (Site Code 000206), South Dublin Bay SAC (Site Code 000210) and North Bull Island SPA (Site Code 004006), relate to:

- Potential impact from operational wastewater discharges from Ringsend WWTP to Dublin Bay / Liffey Estuary Lower.
- Potential impact from overland flows and surface water discharge via the Santry River during construction and operational phases.

Assessment of Likely Significant Effects on Designated Sites

The proposed development will not result in any direct loss of habitat within Natura 2000 sites and no potential for habitat fragmentation is identified. Similarly, having regard to separation from European sites, construction or operational activity thereon will not result in any disturbance or displacement of qualifying interests of the identified sites. The habitats within or adjoining the site are not of value for qualifying species of these Natura 2000 sites, which are associated with estuarine shoreline areas or wetlands. The site does not provide suitable roosting or foraging grounds for these species. No ex-situ impacts on qualifying species are therefore considered likely.

The habitats within or adjoining this greenfield site are not of value for qualifying species of the identified Natura 2000 sites, and do not provide suitable roosting or foraging grounds. Winter Bird Surveys of the site were undertaken in November/December 2021 and January/February & March 2022. During the surveys (c.30 hours) SCI species other than Gulls were observed in flight over the site on 2 occasions. 7 common Snipe were observed overwintering on the site. No significant numbers of such species were recorded. Santry Demesne (c. 800m to the northwest on the other side of M50) is c. 6km from coastal sites and is not recorded as hosting wintering birds which are qualifying species for European Sites. No ex-situ impacts on qualifying species are therefore considered likely. Having regard to the separation distance from European Sites and the lack of habitats for qualifying species on the site, or the use of lands in the area by qualifying species, it is not considered that the proposed development gives rise to a risk of significant effects due to collision of qualifying bird species with buildings.

The Santry river is c.415m north of the site. In terms of potential hydrological connection from the surface water runoff or storm overflows to the river during construction and operational phases. I consider given the location of the site in a built-up area, there is no potential for pollution to enter the watercourses, across the terrestrial buffer via overland flow. Any potential pathway is via discharges to the surface water drainage network or via the Naniken stream (when daylighted).

In relation to the operational phase of the development, I note surface water from the proposed development will discharge to the public surface water sewer system.

It is a policy of Dublin City Council (SI18) to “require the use of Sustainable Urban Drainage Systems in all new developments, where appropriate, as set out in the Greater Dublin Regional Code of Practice for Drainage Works”. As such, the design entails a suite of SuDS measures that will be incorporated into the proposed development. This will reduce the flow rate of surface water run-off and largely eliminate the risk of pollution to waterbodies arising from surface water run-off during the Operational Phase. While the use of SUDS measures are not intended to avoid or reduce the harmful effects of a project on a European site, they will reduce peak flow rates and the likelihood of suspended solids or hydrocarbons entering the water system. They are clearly not included as a measure to mitigate potential impacts on European sites. Furthermore, the scale of the proposed development relative to the rest of the area served by that system means that the impact on the flows from that system would be negligible and would not have the potential to have any significant effect on any Natura 2000 site.

It is proposed to discharge foul sewerage by means of a new sewer and discharge to the public sewer. There is an indirect hydrological pathway between the application site and the coastal sites listed above via the public drainage system and the Ringsend WWTP. Permission was granted by An Bord Pleanála in April 2019 for the upgrading of the Ringsend WWTP under ABP ref. ABP-301798-18, which works are currently underway. In granting permission, the Board undertook an Appropriate Assessment of the proposed development and concluded that that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the European Sites, in view of the sites’ Conservation Objectives. Documentation and evidence provided in that case, including the EIAR, provide a reasonable basis to conclude that this proposed development would not be likely to give rise to significant effects on the conservation objectives of European Sites, either individually, or when taken together and in combination with other plans or projects. The increased loading on the plant arising from the development proposed herein will not be significant in the context of the wider city and the increased capacity of the plant.

In Combination/Cumulative Impacts

In assessing potential in-combination effects, the screening report identifies a number of developments which are set out in Table 3 'Potential for in-combination effects with larger scale developments in the local area of the proposed development' (pages 32 to 39 inclusive Appropriate Assessment Screening Report). In the interest of brevity I have not included all listed developments in this section. A number of SHD applications are lodged with An Bord Pleanála for sites located to the west of the M50 along Santry Avenue and Swords Road. Below is a summary of a number of permitted developments:

Since the appeal was lodged with An Bord Pleanála the following have been granted permission:

ABP Ref. 313179-22 refers to a grant of permission for 268 BTR units at Northwood Crescent.

ABP Ref. 313317-22 refers to a grant of permission for 255 no. apartments, creche and associated site works at a site between Swift Square and Sports Surgery Clinic, Northwood Avenue, Santry, D9.

Other:

PA Reg, Ref F20A/0004. Lilmar Industrial Estate, Oak Avenue, Santry, Dublin 9. Planning permission granted in April 2021 for the demolition of existing industrial units (2417 sq.m). Construction of 2 no. apartment blocks (3-5 storeys in height), comprising 35 no. units (13 no. 1-bed, 18 no. 2-bed and 4 no. 3-bed), all with balconies/terraces facing north-south-east/west. Development to be accessed from Oak Avenue (existing) to the south with additional new pedestrian access to the east. Provision of car parking (surface) and cycle parking, open spaces and all associated site development works, landscaping, boundary treatments and other servicing works.

ABP Ref: ABP-306075-19 Northwood Avenue: Permission granted in March 2020 for 331 no apartments in 4 no. 8-storey blocks, approx. 1km northwest of ABP-310910-21 Inspector's Report Page 130 of 138 the application site. Screening undertaken in this case concluded that significant effects on any European site were not likely.

Santry Place:

PA Reg, ref. 2713/17: Permission granted in March 2018 for a mixed-use development providing 137 no. residential units, retail / commercial units and commercial offices in 4 and 5-storey blocks. Screening undertaken concluded that AA was not required.

PA Reg. Ref 2737/19: Permission granted in August 2019 for modifications to PA ref. Ref. 2713/17, to increase the height of permitted blocks, increase the number of apartments to 207 no. units, reduce office floorspace and provide a community use was in compliance with condition no. 3 of PA Ref. 2713/17. Screening undertaken in this case concluded that significant effects on any European site were not likely. This development is complete. Former Swiss Cottage Bar and Restaurant:

PA Reg.ref 4211/15: Permission granted for demolition of the former Swiss Cottage Bar and Restaurant and the construction of a 3-storey mixed use retail, commercial and office structure, including discount foodstore. Screening undertaken concluded that AA was not required.

ABP-303358-19: Permission granted for demolition of the former Swiss Cottage public house and construction of 110 BTR residential units ranging in height from 3 to 6 no. storeys (20.9m) over partial basement level, and 3 no. ground floor commercial units. Screening undertaken concluded that significant effects on European site were not likely. This development is complete.

ABP-306987-20:Permission for 120 apartments and associated site works on the former Swiss Cottage lands to the east of the application site with building heights ranging from 3 to 7 storeys, at a density of 250 units per hectare. The development was to amend and supersede that permitted under ABP-303358-19. AA screening concluded that significant effects on any European site were not likely. Omni Park:

ABP-307011-20:Permission for the demolition of existing structures, construction of 324 apartments, creche and associated site works on lands to the northeast of ABP-310910-21 Omni Park Shopping Centre, approx. 200m south of the application site. The development rises from 5 (19m) to 12 storeys (40.2m) at a density of c. 250 units per hectare. Screening undertaken concluded that significant effects on European site were not likely.

Significant effects were previously screened out in the afore mentioned development at application stage. Furthermore, as construction work at Santry Place and the former Swiss Cottage site has been completed, no construction stage in-combination effects arise. The screening report also considers the Dublin City Biodiversity Action Plan 2015 - 2020, City Development Plan 2016-2022 and Appropriate Assessment thereof, for possible in-combination effects with the proposed development. The report notes that Development Plan policies and objectives have been developed to anticipate and avoid developments that would be likely to significantly affect the integrity of any European site. It also notes the development plan requirement for SuDS measures in all new developments such that cumulative impacts due to of surface water discharges are unlikely.

With regard to Ringsend WWTP, I note that permission was granted by the Board in April 2019 for the upgrading of the plant under ABP ref. ABP-301798-18, which works are currently underway. The project will deliver the capacity to treat wastewater for 2.4 million pe on a phased basis. In granting permission, the Board undertook an Appropriate Assessment of the development and concluded that, by itself or in combination with other plans or projects, the proposed development would not adversely affect the integrity of any European Sites, in view of the sites' Conservation Objectives. Documentation and evidence provided in that case, including an EIAR, provide a reasonable basis to conclude that this proposed development would not be likely to give rise to significant effects on the conservation objectives of European Sites, either individually, or when taken together and in combination with other plans or projects. The increased loading on the plant arising from the development proposed herein will not be significant in the context of the wider city and the increased capacity of the plant.

Significant effects on marine biodiversity and Natura 2000 sites within Dublin Bay from the (then) current operation of Ringsend WWTP were unlikely, and that in the absence of any upgrading works, significant effects to Natura 2000 sites were not likely to arise.

Having regard to the foregoing I am satisfied that 'in-combination' effects arising from this development and others, will not result in significant effects, directly or indirectly, on any European site arising from the level of discharge envisaged.

Therefore, having regard to the scale and nature of the proposed student accommodation and its location within the built up area of the city which can be serviced, I conclude that the proposed development would not be likely to have any significant effects on any Natura 2000 site, either directly or indirectly or in combination with other plans and projects.

9.3 Mitigation measures

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.

9.4 Screening Determination

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 European Site No. 000210 (South Dublin Bay SAC), 000206 (North Dublin Bay SAC), 004024 (South Dublin Bay and River Tolka Estuary SPA) and 004006 (North Bull Island SPA) or any other European site, in view of the sites' Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is not therefore required. This is based on the following:

- The nature and scale of the proposed development on fully serviced lands,
- The intervening land uses and distance from European Sites, and
- Lack of direct connections with regard to the source-pathway-receptor model.

it is concluded that the proposed development, individually or in-combination with other plans or projects, would not be likely to have a significant effect on the above listed European sites or any other European site, in view of the said sites' conservation objectives. A stage 2 appropriate assessment (and submission of NIS) is not therefore required.

10.0 Environmental Impact Assessment (EIA)

10.1 Environmental Impact Assessment Report

This section sets out an Environmental Impact Assessment (EIA) of the proposed project and it should be read in conjunction with the planning assessment above. The development provides for 853 residential units, 1 no. neighbourhood building, 1 no. creche, open spaces, parking facilities, along with associated road works, site works, and services along with within the Lawrence Park Lands it is proposed to daylight the previously culverted Naniken stream through a naturalised open channel with integrated wetland/wildlife pond. On a site area of c.17.1 hectares, this includes the 'Oscar Traynor Site' (c.16.64ha) and c.0.46ha which accommodates the proposed new three arm signal controlled junction and upgraded/new pedestrian and cyclist infrastructure at Coolock lane (R104) at the Oscar Traynor Road site, Dublin 5/Dublin 9, bounded by Coolock lane (R104) to the north, Castletimon estate to the east, Lorcan estate to the south and by the M50 to west, south-east of M50 Junction 2 Interchange. The site is located within the administrative area of Dublin City Council.

This application was submitted to the Board after the commencement of the European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018 which transpose the requirements of Directive 2014/52/EU into Irish planning law. The application was accompanied by an Environmental Impact Assessment Report (EIAR). Schedule 5 of the Planning and Development Regulations 2001- as amended identifies projects in respect of which the submission of an EIAR is mandatory.

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:

- Construction of more than 500 dwelling units
- 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.

This section sets out an Environmental Impact Assessment (EIA) of the proposed development. 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) on a site exceeding 10 hectares in area. An EIAR has been submitted with this application.

The EIAR dated December 2022 comprises a non-technical summary (Volume I), a main volume/written statement titled 'Environmental Impact Statement Report' (Volume II) and supporting appendices (Volume III). Chapter 15 of the main volume addresses interactions and Chapter 16 provides a summary of the mitigation measures described throughout the EIAR. Each chapter describes the expertise of those involved in the preparation of the EIAR.

Volume II includes:

Chapter 1 sets out an introduction and background to the EIAR and the EIA process. The requirements of the Directive and the methodology used in preparing the EIAR are set out and the contributors to the report and their qualifications are identified in Table 1.1. It sets out the format and structure of the EIAR, scope of cumulative effects and consultations. This chapter also sets out the proposed development, site location, surrounding context, land use zoning and SDRA context.

Chapter 2 describes the proposed development, demolition and construction phases, health & safety, monitoring, commissioning, property management and decommissioning.

Chapter 3 sets out the consideration of alternatives, difficulties encountered and proposed preferred alternative.

Chapter 4 to 15 contains the assessment of environmental impacts. TII raised concerns that the EIAR does not address a number of TII guidance documents. I note section 4.3 deals with Material Assets – Traffic & Transport. I am satisfied that the information contained in chapter 4 adequately addresses this matter. Appellants have raised concerns that the traffic surveys are inadequate. I have reviewed the information submitted and am satisfied that the surveys are robust and all matters are addressed in chapter 4 and associated appendix.

The EIAR considers Effects on the Environment. The likely significant direct and indirect effects of the proposed development are considered in the following Chapters, in accordance with Article 3 of the EIA Directive 2014/52/EU:

Chapter 4 Population and Human Health

Chapter 5 Landscape & Visual character.

Chapter 6 Material Assets – Traffic & Transport

Chapter 7 Material Assets – Built Services.

Chapter 8 Material Assets – Waste.

Chapter 9 Land & Soils.

Chapter 10 Water & Hydrology.

Chapter 11 Biodiversity.

Chapter 12 Noise & Vibration.

Chapter 13 Air Quality & Climate.

Chapter 14 Cultural Heritage – Archaeology & Built Heritage.

Chapter 15 Interactions of the Foregoing.

Chapter 16 Summary of Mitigation & Monitoring Measures.

As is required under Article 3(1) of the amending Directive, the EIAR describes and assesses the direct and indirect significant effects of the project on the following factors: (a) population and human health; (b) biodiversity with particular attention to the species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC; (c) land, soil, water, air and climate; (d) material assets, cultural heritage and the landscape. It also considers the interaction between the factors referred to in points (a) to (d). Article 3(2) includes a requirement that the expected effects derived from the vulnerability of the project to major accidents and / or disasters that are relevant to the project concerned are considered.

In terms of cumulative impacts of the proposed development with other planned projects in the immediate area and are addressed within each relevant chapter of the EIAR.

As set out previously TII in their submission raised concerns that the EIAR is deficient, I am satisfied that the information contained in the EIAR has been prepared by competent experts and complies with article 94 of the Planning and Development Regulations 2000, as amended. The EIAR would also comply with the provisions of Article 5 of the EIA Directive 2014. This EIA has had regard to the information submitted with the application, including the EIAR, and to the submissions during the course of the application and the appeal, the council and prescribed bodies and which are summarised in section 7 of this report above.

Consideration of risks associated with major accidents and/or disasters. Article 3(2) of the 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.

The 2018 Guidelines on carrying out Environmental Impact Assessment identify two key considerations:

- The potential of the project to cause accidents and/or disasters, including implications for human health, cultural heritage, and the environment.
- The vulnerability of the project to potential disasters/accidents, including the risk to the project of both natural disasters and man-made disasters.

The EIAR notes the requirements of Article 3 and observes that the surrounding pattern of development does not include any man-made industrial processes (including Seveso II Directive sites) which would be likely to result in a risk to human health and safety.

Reference to the location of a portion of the site in the Dublin Airport Safety Zone is made, the EIAR does not delve into this in details. As set out in my planning assessment I am satisfied with the degree of assessment relating to this matter given the context of the site and submissions on file from the daa.

Annex IV of the Directive 2011/92/EU as amended by Directive 2014/52/EU refers to both a proposal's potential to cause accidents/disasters and to the vulnerability of the proposal to accidents/disasters. These risks can be from both man-made and natural disasters and there is a requirement to build resilience into projects and to invest in risk prevention. Principal risks include accidental spillages, ground instability, landslides, flooding, major traffic accidents, and work-place construction accidents. The EIAR concluded that none of these risks are considered to be significant.

The application is accompanied by a site-specific flood risk assessment, and Chapter 10 of the EIAR considers the risk of flooding. This concludes that the site the proposed development is not at risk of flooding and will not give rise to flooding impacts elsewhere. Having regard to the nature of the proposed residential development on zoned lands, and to the surrounding pattern of land uses and development, I am satisfied that the development is not likely to cause, or to be vulnerable to, major accidents and / or disasters.

Alternatives

Article 5(1)(d) of the 2014 EIA Directive requires “a description of the reasonable alternatives studied by the developer, which are relevant to the 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.”

Chapter 3 identifies the alternatives considered and the reasons for not proceeding with each. In the context of current planning and housing policy for the area, county and the region, I do not regard the Do-Nothing option or alternative locations or uses to be reasonable alternatives. A series of alternative design and layout options were considered and are briefly described. The construction and mitigation measures presented in the EIAR represent the best practice and alternatives not considered necessary. Having regard to the policy and zoning objectives for the area and the location and greenfield nature of the site, it is considered that the issue of alternatives has been adequately addressed in the application documentation.

I have reviewed the documentation submitted and I am satisfied that the EIAR has been prepared by competent experts to ensure its completeness and quality, and that the information contained in the EIAR and supplementary information provided by the developer, adequately identifies and describes the direct, indirect and cumulative effects of the proposed development on the environment and complies with article 94 of the Planning and Development Regulations 2000, as amended.

In carrying out this EIA I have examined all the information presented by the applicant, including the EIAR, and the submissions and observations received during the course of the application. A summary of the grounds of appeal, submissions made by observers, the planning authority and prescribed bodies in this regard has been set out in the section 7 of this report.

Overall, I am satisfied that, the Directive requirements in relation to the consideration of alternatives have been satisfied.

Consultations

I am satisfied that the participation of the public has been effective, and the application lodged with the planning authority has been made accessible to the public by electronic and hard copy means with adequate timelines afforded for submissions.

Assessment of Likely Significant Effects

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

- Population and Human Health
- Landscape & Visual character.
- Material Assets – Traffic & Transport
- Material Assets – Built Services.
- Material Assets – Waste.
- Land & Soils.
- Water & Hydrology.

- Biodiversity.
- Noise & Vibration.
- Air Quality & Climate.
- Cultural Heritage – Archaeology & Built Heritage.
- Interactions of the Foregoing.
- Summary of Mitigation & Monitoring Measures.

Population and Human Health

Chapter 4 of the EIAR examines any potential effects on Population and Human Health. The purpose of this assessment is to identify and assess the potential population, health and wellbeing effects of the proposed project and to deliver evidence-based recommendations that maximise health benefits and mitigate or remove potentially negative impacts associated with the proposed development.

The methodology for assessment is described as well as the receiving environment. Recent demographic and socio-economic trends are examined.

The chapter identified the most sensitive receptors relevant to population and human health as a) residential dwellings in the vicinity of the site (in particular along Lorcan Park, Lorcan Crescent and Castletimon Gardens), b) Gaelscoil Cholmcille and c) users of the public road network surrounding the site. A study area of c. 1.5km area was selected.

The EIAR noted that following an analysis of the social infrastructure in the area it identified a shortfall in the availability of dedicated cultural and arts infrastructure within the vicinity of the subject site and as such there is potential to provide for new facilities that could augment space available for local community, cultural and arts activities.

The chapter considers the likely significant effects under numerous headings that correspond with chapters 5 to 14 and also potential for major accidents or disasters. The EIAR concluded that there are no negative, long-term permanent impacts on population and human health arising from the operational phase of the proposed development. The construction phase of the proposed development is likely to give rise to a permanent significant positive effect that will achieve local and wider county, regional and national objectives. While it is acknowledged that some short-term impacts to the locality such as construction traffic and surface contaminants, dust, exhaust emissions, noise, and littering. There is a possibility of a profound effect depending on the magnitude of an incident. However overall disturbances will be kept minimal through the implementation of mitigation measures and would be slight and natural due to the temporary nature of the disturbances. Meanwhile, the study area will likely benefit from the long-term or permanent positive impacts brought by the proposed development.

In terms of proposed land use changes from greenfield to mixed use. It is likely that the non-residential uses proposed will have a moderate positive effect with a permanent duration.

The potential cumulative impacts are assessed for the study area and consider several recently permitted developments in the vicinity of the site comprising residential, mixed use and commercial/industrial uses. Overall the cumulative impacts of the proposed development on population and human health which are envisaged to be positive. The increased population arising from the proposed development will contribute to the customer base of the identified study area, increasing the viability of existing social/community and commercial entities. The proposed development will provide additional publicly accessible areas of open space and a children's play area, while the housing mix and tenure, childcare, retail and community building development will ensure that the population increase is provided in conjunction with the delivery of local retail, childcare, cultural, social and employment opportunities.

Overall, subject to adherence to best practice and implementation of appropriate mitigation measures detailed in the EIAR, the overall temporary impacts associated with the construction phase (noise, dust, visual, traffic disruption) are considered to represent an effect which is local, temporary to short term duration with a neutral and slight significance. In order to avoid and / or reduce impacts on the adjoining residents, a CEMP will be put in place prior to the commencement of development.

Residual impacts. The EIAR sets out that it is anticipated that the proposed development will realise significant positive overall economic and social benefits for the local community and wider area.

The EIAR sets out that such future development will be assessed for environmental considerations as part of planning applications for such developments. I consider this acceptable.

There will be an increase in housing provision in this area to contribute to meeting housing demand, including sheltered housing, while the increased population will impact on local services in the area.

Mitigation measures are set out throughout the EIAR and summarised in chapter 16. It is considered that the monitoring measures outlined in individual chapters of the EIAR addressing environmental effects sufficiently address monitoring requirements for Population and Human Health.

I have considered all of the application documentation and submissions received, and I am satisfied that predicted impacts in relation to Population and Human Health would be avoided, managed and mitigated by the measures which form part of the proposed scheme. I am satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative impacts in terms of Population and Human Health. Overall, I concur with the conclusions of the EIAR with respect to population and human health.

Landscape & Visual character.

Chapter 5 addresses the potential landscape and visual effects of the proposed development with an emphasis on the significant effects of the proposal. The chapter outlines the methodology for the assessment, a description of the proposed project, the existing landscape as well as landscape policy and relevant guidance. A site assessment was undertaken along with desktop studies to evaluate the existing site conditions such as topography, vegetation, settlement patterns, contiguous land use, drainage, landscape character as well as overall visibility of the site from surrounding areas. Information was also collated on protected views, scenic routes, special and protected landscapes etc.

The site is located within the M50 and in the Metropolitan area of Dublin City. The site is a vacant greenfield site covered in scrub vegetation with some fly-tipping noted. There is an existing mature green belt along the boundary with Coolock Lane which is to be retained. The site is bounded by the R104 Coolock Lane (Oscar Traynor Road), AstroTurf pitches and Gaelscoil Cholmcille, Castletimon Gardens houses facing the site and separated from it by an internal estate road, the rear gardens of Lorcan Crescent and the M1 Motorway/Port Tunnel entrance.

The area is predominant characterised by residential development (2 to 3 storeys in height, The M1/Port tunnel, regional road (Oscar Traynor Road), local sporting facilities, industrial/commercial units. The EIAR identifies the potential landscape and visual sensitives to be in the immediate environs of the site where it abuts residential areas, in particular the residential streets, community or focal points of interest and main routes. The VIA includes identified representative viewpoints. There are no protected views identified that affect the site.

Likely significant impacts:

- Site clearance of much of the existing vegetation, top soil and subsoil.
- Change of the site from an open field to a new residential area.
- Locally some trees and hedgerows will be affected, however the new development has been laid out to incorporate many of these existing landscape 'green infrastructure' features within its landscape structure of open spaces and networks.

- Based on the assessment of the landscape characteristics, values and sensitivities, 23 representative viewpoints (VP) were selected to assess visual impact and effects. Visual effects were concluded to be neutral to beneficial and no adverse residual impacts or effects identified.
- During construction phase there will be a change to the landscape and there will be negative visual impacts for residents and visitors to the areas adjacent to the site associated with construction activity.

Mitigation

Mitigation measures are set out and include measures to address the visual impact of construction works, landscape character and existing vegetation and include:

Incorporated Design which seeks to address mitigations as an integral part of the overall design of the proposed development which include inter alia landscape works, public open space, best practice horticultural methods

Construction Phase:

- Proposed remedial measures which revolve around the implementation of appropriate site management procedures – such as the control of site lighting, storage of materials, placement of compounds, delivery of materials, car parking, etc.
- Visual impact during the construction phase will be mitigated somewhat through appropriate site management measures and work practices to ensure the site is kept tidy, dust is kept to a minimum, and that public areas are kept free from building material and site rubbish.
- Site hoarding will be appropriately scaled, finished and maintained for the period of construction of each section of the works as appropriate.
- To reduce the potential negative impacts during the construction phase, good site management and housekeeping practices will be adhered to.
- The visual impact of the site compound and scaffolding visible during the construction phase are of a temporary nature only and therefore require no remedial action other than that set out in the CEMP and EIAR.

- Existing trees to be retained are particularly sensitive to negative impacts during the construction phase if proper protection measures are not adhered to.

Operational Phase:

The EIAR has set out that no mitigation in addition to the delivery of the scheme as designed is required post construction of buildings and establishment of landscape elements.

Residual. Most of the surrounding immediate area are established residential areas with small pockets of developable land in the wider surroundings. At the time of writing the EIAR there were no proposals to assess in parallel, therefore it concluded that there will be no cumulative change. I consider this acceptable as any future development will be assessed for environmental considerations as part of planning applications for such developments.

I have considered all of the application documentation and submissions received, and I am satisfied that impacts that are predicted to arise in relation to Landscape and Visual Character would be managed and mitigated by the measures which form part of the proposed scheme. I am satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative impacts in terms of Landscape and Visual Character. Overall, I concur with the conclusions of the EIAR with respect to Landscape and Visual Character.

Material Assets – Traffic & Transport

Chapter 6 assesses and evaluates the likely impact of the proposed development on the existing transportation system in the vicinity of the site, with a particular focus on the operation of nearby existing road junctions during both construction and operational phases. As well as identifying proposed mitigation measures to minimise any identified impacts arising from the development at the site.

Dedicated pedestrian facilities exist across the local transport network and the proposed development shares bus/cycle lane which is available on both side of Coolock Lane. The Bus Connects Network Redesign Route N6 and Dublin Bus 27B are identified along Coolock Lane

Likely Effects:

- Construction activity and employee movements will impact on the surrounding road network over the phased construction period.
- The levels of traffic generated during the construction phase are estimated to be significantly less than the levels generated during the operational phase.
- Potential blockages along local road network during construction phase due to stopped/parked vehicles, loading/delivery or dirt/debris from the construction site. The construction phase mitigation measures are intended to prevent and minimise these impacts, and these measures within the CEMP and CTMP will be strictly adhered to.

Cumulative Impacts:

In its operational phase, the development shall generate regular vehicular trips on the surrounding road network, with increases in traffic flows at nearby existing junctions. A management regime will be implemented by the development management company to control access to the on-site car parking spaces along with initiatives to promote sustainable travel which form an integral part of the proposal. The proposed opening and operation of the entire residential development, with low volumes of vehicular traffic added to the local road network, will not result in any significant or noticeable level of new trips on the local roads. Based on the analysis submitted traffic flows are predicted to be significantly lower resulting in the network operating with additional reserve capacity to that forecast for the peak hour periods. The analysis incorporated potential vehicle trips regenerated by 4 no. third party development proposals ensuring the cumulative impact of the proposals and relevant committed developments are assessed.

During its operational phase, the subject development is predicted to result overall in a long term slight/imperceptible impact on the operation of junctions on the surrounding road network. The proposed development is likely to have a long-term not significant effect upon the operation of adjacent pedestrian and cyclist facilities.

Mitigation:

- Incorporated design includes infrastructure measures identified to reduce reliance on private vehicles includes provision of ample cycle parking, design that promoted permeability through and from the development and mobility management measures that note high level high frequency public transport facilities.
- Preparation of a detailed Project Construction Environmental Management Plan (CEMP), together with a Construction Traffic Management Plan (CTMP) and agreed within the local authority prior to the commencement of development and implemented.
- Construction of permitted traffic signal controlled junction.
- Pedestrian, cyclist and vehicular links to permitted phases of the development and the local network.
- Promotion of sustainable modes of travel and Mobility Management Plan (MMP).

Monitoring:

- Compliance with the measures identified in the CEMP and CTMP.
- Compliance with measures set out in the MMP
- The lead contractor will also be required to monitor the travel habits of construction personnel and to tailor supports for public and shared transport use accordingly.

Cumulative effects:

Cumulative effects with adjoining committed developments were considered in the assessment of traffic impacts.

Residual Impacts:

Implementation of the measures outlined in the construction stage mitigation will ensure potential impacts on the local network are minimised during construction phase,

The construction stage of the proposed development will still result in increased vehicle movements, particularly HGVs. However, the relative increases will be sufficiently low so that when combined with the mitigation measures outlined, will have a neutral effect. The operational stage of the proposed development will result in increased traffic but the local road network has been shown to be capable of catering for this nature of the traffic impact. This will be supported by the Implementation of measures identified in the MMP.

I have considered all of the application documentation and submissions received, and I am satisfied that impacts that are predicted to arise in relation to Material Assets: Traffic and Transport would be avoided, managed and mitigated by the measures which form part of the proposed scheme. I am satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative impacts in terms of Material Assets: Traffic and Transport. Overall, I concur with the conclusions of the EIAR with respect to Material Assets: Traffic and Transport

Material Assets – Built Services.

Chapter 7 addresses issues relating to the material assets of surface water drainage, wastewater drainage, water supply, utilities in respect of the site and assesses the impact of the proposed development on these aspects of the receiving environment.

The chapter contains a review of the current infrastructure in the area. The proposed development will install and commission, to Irish Water standards, new potable water and wastewater infrastructure to facilitate the scheme. The proposed potable water and wastewater infrastructure will connect to existing infrastructure at Lorcan estate and Castletimon.

The material assets considered include Surface Water Drainage, Foul Drainage, Water Supply, Power, Gas and Telecommunications.

Likely Effects:

- Connection to utilities, including gas networks and telecoms, may result in temporary interruption of services. Such impacts would be temporary negligible.

- Accidental contamination of surface water runoff during construction phase.
- Cross contamination of potable water supply to construction compound during construction phase.
- Reduced local ground water recharge and potentially increased run-off .
- Accidental hydrocarbon leaks and subsequent discharge into piped surface water drainage network.
- Potential impacts on existing over and underground power infrastructure and potential loss of connections.
- Increased demands on power and telecommunications networks are not anticipated to impact on the existing power, gas or telecommunications network.

Mitigation

Mitigation measures are set out and include measures to address during the construction phase: damage to existing utilities, contamination of surface water runoff due to construction activities, improper discharge of foul drainage from contractor's compound, cross contamination of potable water supply to construction compound, damage to existing underground and overground infrastructure and possible contamination of the existing systems with construction related materials, relocation or diversions to existing ESB lines may lead to loss of connectivity to and/or interruption of supply from the electrical grid, potential loss of connection to the telecommunications infrastructure while carrying out works to provide service connections.

Measures during the operational phase to address increased impermeable surface area will reduce local ground water recharge and potentially increase surface water runoff, accidental hydrocarbon leaks and subsequent discharge into piped surface water drainage network, increased discharge to foul drainage network, increase potable water consumption and contamination of surface water runoff from foul sewer leaks. Measure includes inter alia incorporated design, implementation of measures identified in the Energy Statement and implementation of SuDS measures.

Residual Impacts:

Provided mitigation measures are adhered to there is unlikely to be any adverse impacts on material assets during the construction stage and any residual impacts on the existing foul and waste systems would be temporary and minor.

No significant residual impacts are expected during the construction phase subject to mitigation measures being adhered to. Subject to all surface water drainage, foul water drainage and watermain design being carried out in accordance with the relevant guidelines, there are no predicted residual impacts on the drainage and water supply arising from the operational phase. All utilities ducting and diversion will be carried out as per the supplier instructions, therefore no predicted residual impacts are expected from the operational phase.

I have considered all of the application documentation and submissions received, and I am satisfied that impacts that are predicted to arise in relation to Material Assets – Built Services would be avoided, managed and mitigated by the measures which form part of the proposed scheme. I am satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative impacts in terms of Material Assets – Built Services. Overall, I concur with the conclusions of the EIAR with respect to Material Assets – Built Services.

Material Assets – Waste.

Chapter 8 addresses issues relating to the material assets of waste. The site at present is undeveloped and soil testing determined that soils are classified as non-hazardous and excess soils generated during the construction phase may be exported to a suitably licenced facility in the Dublin Region.

Likely Effects:

During construction phase, these would arise if construction waste was not properly managed in accordance with the site specific Resource & Waste Management Plan (RWMP) prepared with regard to EPA best practice guidance. Potential impacts would be a deviation from the priorities in the waste management hierarchy.

During operational phase, these would arise if waste infrastructure and appropriate waste management systems were not integrated into the design and operation of the proposed development and measures identified in the Operational Waste Management Plan (OWMP) as such the development would not be in accordance with the Eastern Midlands Region Waste Management Plan 2015-2021 (and subsequent updates).

Mitigation measures include incorporated design and compliance with the measures identified in the submitted RWMP and OWMP.

Residual Impacts

Other new developments in the area will be required to manage waste in compliance with national and local legislation, policies and plans which will minimise/mitigate any potential cumulative impacts associated with waste generation and waste management. Annual reports to be submitted to the local authority and residents with regard to waste generation/disposal.

Land & Soils.

Chapter 9 identifies and assesses the potential effects of the proposed development on the geology, soil and land and identifies mitigation measures to eliminate or reduce adverse effects, where required. The assessment will be predominantly to the excavation of upper layers of topsoil and subsoil during the construction phase including road construction, drainage and utility installation, surface water attenuation and construction of building foundations (including piling). A mixture of traditional concrete strip foundations and piled foundations for the apartment blocks are proposed to a maximum depth of c.10m.

Construction Phase:

It is anticipated that the main construction activity impacting soils and geology will be loss of soils due to soil stripping and excavations across the site. There is no intention to excavate bedrock. The impact on the geological resources post construction, excepting impacts on groundwater (see chapter 10 of the EIAR). The proposal to daylight the Naniken stream through an open channel brings biodiversity benefits. The likely impacts in the absence of mitigation measures relate to the erosion of underlying sub-soils due to excavation of topsoil (material generation), erosion of underlying bedrock due to excavation of subsoil, surface water erosion due to increased construction traffic, contamination of soils due to accidental spills and leaks. The EIAR concluded that the likely predicted effects from material generation on geology, soil and land are unavoidable, even in the absence of mitigation, but are only moderate in nature. Earthworks plant and vehicles used during construction phase have potential to cause negative effects on rutting and deterioration of the top soil layer and any exposed subsoil layers, resulting in erosion and generation of sediment laden run-off.

There is the potential for accidental leaks and spills of fuels, chemicals or wastewaters to impact on the geological environment, particularly during construction. Most leaks and spills are small and unlikely to cause significant impact on the geological environment (e.g., a subsurface resource, geological heritage feature, etc.).

Exportation of materials from site shall be carried out in accordance with Waste management Acts, any potential for greater use of surplus material within local sites will be pursued at construction and detailed design stages subject to compliance with Waste Management Acts and requirements.

No human health risks associated with long terms exposure to contaminants via direct ingestion or inhalation resulting from the proposed development is anticipated.

Operational Phase:

Any direct effect on soils and geology is unlikely, therefore there is no predicted effect on the surface soil, subsoil and bedrock geology as any effect will have occurred in construction. There will be indirect effects from the increase in quality of surface water runoff as a result of the lack of permeability of associated road infrastructure and roof areas. The only direct discharge to the soil environment during the operational phase is likely to be associated with the infiltration through landscaped areas. It is considered unlikely significant sources of contamination will exist in these areas. Therefore direct drainage to soils is considered to be a negligible impact in this low medium significant/sensitive environment and will have an imperceptible effect. Surface water discharge from the site including volumes from the diverted Naniken overflow will be controlled in such a fashion to have a minimal impact on the current soil environment.

Monitoring during the construction phase in relation to the geology, soil and land generally relates to the adherence to the CEMP. Mitigation measures will be incorporated into the Construction Environmental Management Plan (CEMP) and Resource Waste Management Plan (RWMP) documents that will be prepared prior to construction. Additional measures include the construction monitoring of works, inspection of fuel/oil storage areas, monitoring cleanliness of adjacent road network, implementation of dust suppression and provision of vehicle wheelwash facilities, monitoring of contractor's stockpile management and monitoring of sediment control measures.

No significant effects have been identified on the geological environment in the operational phase, therefore mitigation measures are not required and no monitoring is proposed.

Monitoring during operational phase in relation to the geology, soil and land will require regular inspection and maintenance of the drainage system and oil receptors.

Residual Impacts: Post mitigation significance of effect for all identified effects during phases of construction has been determined as 'Imperceptible' to 'Not Significant'. Operative phase cumulative impact once mitigation measures are taken is not significant, and the perceived effect is imperceptible.

I have considered all of the application documentation and submissions received, and I am satisfied that impacts that are predicted to arise in relation to Land and Soils would be avoided, managed and mitigated by the measures which form part of the proposed scheme. I am satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative impacts in terms of Land and Soils. Overall, I concur with the conclusions of the EIAR with respect to Land and Soils.

Water & Hydrology.

Chapter 10 of the EIAR describes the existing water and hydrology of the proposed development area, the chapter addresses all-natural water bodies, including surface freshwater (streams, bogs, ponds, river and lakes), groundwater (shallow and deep) and where applicable estuarine waters and marine waters which may be affected by the proposed development. It addresses the issues of hydrogeology and the interaction between water bodies and surface water drainage, foul drainage and water supply. And includes an assessment of the likely effects of the proposed development on the surrounding surface water and hydrogeological environments, as well as identifying proposed mitigation and monitoring measures where applicable.

The EIAR noted that references to the 'Naniken Stream' is used throughout, the upper catchment of the Naniken was historically culverted and diverted towards the Santry River around 1966. The 'true' Naniken Stream starts at St. Anne's Park c. 4km southeast of the site. The EIAR sets out that therefore any reference to a 'receiving watercourse' in the EIAR refers solely to the Santry River. The Santry River ultimately discharges east to Raheny Strand within a water body referred to as the 'blue lagoon'. The site is greenfield with surface water following the nature flow paths dictated by the topography and ultimately into the Santry River located c. 560m northwest of the site. The ecological value of the Santry River is rated as 'poor' when measured against the standards and objective set out in the EU Water Directive. Chapter 7 of the EIAR addresses surface water drainage in detail.

A Site Specific Flood Risk Assessment of the proposed development has been carried and is submitted as a separate document to the EIAR, this confirms that it was determined that the site is within Flood Zone C.

Excavations associated with the development of the site have been designed as shallow as possible with the maximum excavation depth c.4m BGL, such as the Naniken Central Wetland and some deep excavations. Driven precast concrete piles will be required for the apartment block foundations to a max. depth of c.10m BGL.

Groundwater was found at an average depth of c. 2.5m BGL, this may vary due to seasonal or manmade activities.

Likely Effects

Construction effects:

The primary impact in the absence of mitigation on the water environment associated with the construction of the proposed development is the risk of mobilisation of sediments and harmful substances potentially being flushed into the surface water drainage system and the water network during rainfall events due to exposed soil and earth movement.

Subsoil compaction from site traffic in the construction phase. The potential effect of this on the water environment is reduced infiltration and poor soil drainage in areas of the final development subject to recharge (gardens, open spaces).

Potential impacts on the Santry River are assessed in the EIAR and this sets out the main effects, in the absence of mitigation, include inter alia discharge of rainwater pumped from excavations, accidental spills and leakages associated with the storage of oils and fuels, machinery etc, concrete runoff, particularly the discharge of wash water from concrete trucks, discharge of vehicle wheel wash water, infiltration of groundwater into excavations, uncontrolled sediment erosion and contaminated silty runoff, silt laden groundwater from dewatering excavations, pollution of surface water by mobilised suspended soils. Negative impacts are considered to be low/medium significance/sensitivity and the overall impact's significance imperceptible.

Operational Effects:

The EIAR identified that the site is located on Flood Zone C. It also noted that the risk of flooding has the potential to give rise to a significant and long term effect with a potential increase in the discharge of suspended solids to the receiving water courses (Santry River). It was also noted in the EIAR that the installation of new foul sewers within the development has the potential to leach soluble pollutants, however as these will be constructed to IW specifications this effect is considered unlikely and is not considered further in the EIAR.

Mitigation:

Mitigation measures are included in the EIAR relating to soil compaction, ground water contamination (wheelwash water)/concrete wash water/effluent/bund water, storage of chemicals/fuels, accidental spillages, leaking sewers/drains).

Best practice measures to be incorporated into the Construction Environmental Management Plan (CEMP) and Remedial Waste Management Plan (RWMP) documents that will be prepared prior to construction. No significant effects have been identified on the water environment in the operational phase, therefore mitigation measures are not required and none are proposed in the EIAR. No monitoring is proposed.

Cumulative Impacts:

The proposed development, in the absence of mitigation, in combination with other surrounding developments has the potential for cumulative impact on the water environment in relation to a) increased runoff to the Santry River and b) increased risk of impact on groundwater/surface water quality.

Provided that the mitigation measures and management procedures set out in the EIAR are incorporated during the construction phase the residual impact is rendered unlikely, temporary and imperceptible. The implementation of SUDS measures will ensure that the residual effect on the receiving watercourse (Santry Rier) is reduced to long term and neutral. The implementation of the proposed mitigation measures will ensure that the residual effect on the groundwater receptor will be reduced to long term and neutral.

Proposed monitoring during construction phase will include inter alia: adherence to Construction Environmental Management Plan, inspection of fuel/oil storage areas, monitoring cleanliness of adjacent road network, implementation of dust suppression and vehicle wheel wash facilities, monitoring sediment control measures and monitoring of discharge from sediment retention ponds. During operation phase an inspection and maintenance contract will be implemented in relation to class 1 and class 2 fuel/oil separators, hydro brakes etc.

I have considered all of the application documentation and submissions received, and I am satisfied that impacts that are predicted to arise in relation to Water, and Hydrology would be avoided, managed and mitigated by the measures which form part of the proposed scheme. I am satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative impacts in terms of Water and Hydrology. Overall, I concur with the conclusions of the EIAR with respect to Water and Hydrology.

Biodiversity.

Chapter 11 describes the baseline biodiversity of the proposed development site, assess the potential effects of the impacts associated with the construction and operation of the proposed development, and put forward mitigation measures designed to avoid or minimise any negative effects, if required.

The chapter details the methodology of the ecological assessment. It is noted that an Appropriate Assessment Screening Report and a Natura Impact Assessment were prepared as standalone documents. As assessed in section 10 of this report, the proposed development was considered in the context of any site designated under Directive 92/43/EEC or Directive 2009/147/EC.

The site is a large greenfield site at the southeast corner of the M50/N1 and Coolock Lane. It is considered to be of low to moderate ecological value. The habitats present within the site consist largely of mosaic like arrangements of wet and dry grasslands as well as scrub habitats, which have likely formed as a result of historical disturbance at the site. The EIAR concluded that these habitats were not found to be especially species rich and contained a mix of grasses. The northern boundary contains a mature treeline, a mix of native and non native species. Several ditches contained floral species indicating that they likely contain water for most of the year. No rare or protected plant species were recorded on site. Two invasive species were present (Butterfly Bush and Sycamore). The Naniken stream runs culverted through the site in a west to east direction. It is proposed to daylight the Naniken through an open channel with integrated wetland/urban planted space/lake within the main park (open space area), integrating it into the surface water treatment systems at eh site. This will also be hydrologically linked to the Santry River via the Naniken steam (when daylighted) and via the existing surface water drainage network.

A Wintering Bird Survey was carried out between November 2021 and March 2022. Breeding bird activity survey carried out on the 29th June 2022 and 4th July 2022 and included Red, Amber and Green listed birds. The site was not found to be a significant feeding/foraging site for wintering birds. Limited evidence of terrestrial mammal activity (survey carried out on the 4th July 2022 at the time of mapping habitats) was recorded on site. Bat activity on site was low (25th August 2022) and no potential bat roost features recorded, the northern treeline and central scrub assessed as a potential bat foraging habitat.

The development site is not within or adjacent to any designated sites but is located within the Transition Zone of the Dublin Biosphere and hydrologically linked (EIAR concluded) to a number of protected sites within Dublin Bay: North Dublin Bay SAC (000206), North Bull Island SPA (004006), South Dublin Bay SAC (00210) and South Dublin Bay and River Tolka Estuary SPA (004024) and North Dublin Bay pNHA (000206) and 2 Ramsar sites (North Bull Island and Sandymount Strand/Tolka Estuary). The AA Screening Report and NIS submitted consider these in detail and therefore not addressed in the EIAR.

Construction Phase Impacts:

Likely impacts related to the construction of the proposed development, in the absence of mitigation measures, have been identified as: loss and disturbance of habitat (permanent, moderate, negative impact), mortality of species (short-term, moderate, negative impact for birds, and short-term negative significant impact on bats), disturbance to species (short-term, slight, negative impact). In the absence of precautionary measures there is also a risk of pollution of the Naniken stream and/or Santry River via the stream or existing surface water drainage systems which could lead to a deterioration of the water quality of these water courses and have an impact on the aquatic fauna currently in the Santry River.

Operation Phase Impacts:

Very few operational phase impacts were identified. The main impacts relate to the change from greenfield to built form and the anthropogenic pressures that this incurs, increase lighting causing disturbance to local fauna. Potential for heavy rainfall to cause surface water that contains pollutants to enter the Naniken stream or surface water sewers and outfall to the Santry River.

Mitigation Measures

Mitigation measures set out will be implemented to reduce or remove impacts related to the proposed development and include Incorporated design including landscape plan with components to mitigate the loss of habitats on site (increasing the number of trees and providing a variety of meadow, shrub and scrub habitats). A wetland park is also provided which will increase the biodiversity value of the site. During construction phase mitigation and prevention measures will be in place to prevent pollution from entering the Naniken River and any surface water sewers that outfall into the Santry River.

Mitigation measures during construction phase include surface water protection measures, vegetation clearance measures, tree protection measures will require monitoring to ensure they remain effective. A suitably qualified ecologist will be employed to oversee and survey as required. Dust and noise levels will also be monitored.

Residual Impacts:

The residual impact of the proposed development, after the implementation of mitigation measures are not considered to be significant or negative on the local ecology or on any designated site. The daylighting the Naniken stream will have an overall positive impact on local biodiversity.

Cumulative impacts

The EIAR concludes that there one large project in the local area was identified and in the unlikely event of the construction of both developments coinciding, could result in cumulative impacts on the water quality of the Santry River.

Having regard to the present condition of the subject site and now mostly completed state of the adjacent development sites, significant cumulative effects are not considered likely. No significant negative residual impacts on the local ecology, including bats and other species, are anticipated. I refer the Boards attention to the AA section of my report (Section 9) where the potential impact of the proposed development on designated European sites in the area is discussed in greater detail.

I have considered all of the application documentation and submissions received, and I am satisfied that impacts that are predicted to arise in relation to Biodiversity would be avoided, managed and mitigated by the measures which form part of the proposed scheme. I am satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative impacts in terms of Biodiversity. Overall, I concur with the conclusions of the EIAR with respect to Biodiversity.

Noise & Vibration.

Chapter 12 provides an assessment of the likely noise and vibration impacts associated with the proposed development. The baseline noise environment has been established through an environmental noise survey conducted at the site to determine the existing noise environment.

In the absence of the development being constructed the noise environment at the nearest sensitive receptors will remain largely unchanged. Given the zoning of the site it is likely that construction and operational impacts outlined in the EIAR are likely to occur in the long term on the site.

The EIAR set out that there is no statutory Irish guidance relating to the maximum permissible noise level that may be generated during the construction phase of a project. Construction activities are normally controlled through measures including hours of operation and imposition of noise limits. Based on a reasonable worst case prediction, for the majority of time construction works will take place at distances greater than 30m from the receptors. The impact can be considered negative, moderate to significant and temporary when within 30m of the receptors at R1. When works take place at distance greater than 30m the impact can be considered negative, not significant to slight and temporary to short term.

During the operational phase the only predicted contributions to the noise environment in the vicinity of the site will result from increased traffic movements as a result of the increased activity in the area. Noise from traffic is considered neutral, long term and imperceptible. Outward noise from building service plant is considered long term and not significant.

The Noise Risk Assessment carried out on existing and proposed transportation noise sources is include. The Noise Risk found the risk to be low to high and mitigation required. Without mitigation the impact on internal residential areas is rated as negative, significant and permanent.,

Mitigation:

Whilst the construction phase is not expected to give rise to significant negative noise impacts at sensitive receptors. Mitigation measure, these include measures relating to traffic and plant noise, traffic noise, impact noise and general site noise such as:

- Adherence to relevant standards for control of noise and vibration on construction sites.
- Noise control measures include the timing and phasing of works, selection of quiet plant, enclosure and screening of noise sources, construction working hours.
- Construction site hoarding of sufficient density to provide adequate sound insulation.
- Preparation of a NVMP.
- Noise monitoring at the nearest noise sensitive locations to check compliance with the construction noise criterion and liaison with local residents.

For the operational phase upgraded glazing specification have been provided in order to mitigate inward noise impact on the proposed development. Noise mitigation measures with respect to the outward impact of traffic from the development is not deemed necessary. Criteria for noise from plant is determined and addressed in the detailed design to address the noise criteria.

Residual Impacts.

During the construction phase there will be some noise impacts experienced at the nearest receptors to the subject site. It is predicted that the mitigation measures proposed will ensure that noise and vibration impacts are kept to a minimum. The predicted noise and vibration impacts on the receiving environment during the construction phase are considered to be temporary and only affecting a small number of properties over a short time-period.

The potential for noise generation during the operational phase of the proposed development is limited to additional vehicles on the surrounding road network. The change in vehicle numbers predicted is not significant in an overall context. And the impact is determined to be neutral, long term and imperceptible.

Following the application of mitigation measures the impact of inward noise on the proposed development will be neutral, not significant and long term to permanent. Given the adherence to specified noise criteria the impact will be negative, not significant and long term. The predicted noise and vibration impacts on the receiving environment during the operational phase are considered to be not significant and long-term.

Potential cumulative operational traffic impacts are not regarded as significant. Any future large-scale projects not yet proposed or permitted would also be the subject to assessment to ensure that no significant noise and vibration impacts occur.

I have considered all of the application documentation and submissions received, and I am satisfied that impacts that are predicted to arise in relation to Noise and Vibration would be avoided, managed and mitigated by the measures which form part of the proposed scheme. I am satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative impacts in terms of Noise and Vibration. Overall, I concur with the conclusions of the EIAR with respect to Noise and Vibration.

Air Quality & Climate.

Chapter 13 of the EIAR addresses the potential air quality and climate impacts on the surrounding environment that requires consideration for a proposed development of this type includes two distinct stages, the short-term construction phase and the long-term operational phase. The chapter includes a description of the existing air quality and climate at and in the vicinity of the site, a description of how construction and operational phases of the development will impact on air quality and climate and outlines necessary mitigation measures to be implemented to control and minimise the impacts.

The study area includes all areas that could potentially be affected by the emissions from the proposed project. The study area for the Construction Phase air quality impact assessment includes sensitive receptors (e.g. houses, schools and hospitals) that are located within 350m of construction activities. The study area for the Operational Phase air quality assessment includes receptors and ecological designated sites that could be affected by the proposed project.

Construction Phase:

The most significant potential impacts are those associated with dust arising from construction activity. The local area is considered of low sensitivity to human health impacts from dust emissions. The EIAR concluded that once mitigation measures outlined in Appendix 13.1 Volume III are implemented, dust emissions are predicted to be short term, negative, localised and imperceptible and not cause a nuisance at nearby sensitive receptors.

Construction traffic impacts will be not significant and experienced in the short-term. In the absence of mitigation measures, the overall impact of dust arising during the construction phase is considered to be short term in duration and its significance will vary from not significant to imperceptible. Potential emissions from construction traffic using the local road network have been assessed. The EIAR concluded that the additional traffic will not generate significant emissions in terms of local air quality and no material change in air quality relative to the existing situation is predicted. In the absence of mitigation measures the construction phase activities will range from an imperceptible to slight impact on local air quality depending on the activities occurring and, in all cases, will be short term in duration. I consider this acceptable.

Operational Phase:

The potential air quality impacts arise from emissions arising from traffic associated with the proposed development. The EIAR concluded that the potential impact on air quality and climate associated with an unnoticeable traffic volume change is considered imperceptible, localised, neutral and long term impact. The design and construction of all buildings in the proposed development shall ensure that modern building materials are used and that they are designed to be thermally efficient. In terms of "Climate", there is the potential for a number of greenhouse gas (GHGs) emissions to atmosphere during the construction of the development. Construction vehicles, generators etc., may give rise to CO₂ and N₂O emissions. During Operation Phases indirect emissions of GHGs (CO₂ and CH₄) arising from energy usage.

Due to the size and nature of the development, greenhouse gas emissions resulting from the development will be imperceptible in the national context. There will therefore be no adverse impacts on climate and no significant contribution to Irelands greenhouse gas budget. The construction phase activities will have a not significant impact on climate and will be short-term in duration while the operational phase activities will have an imperceptible impact on climate and will be long-term in duration.

During the construction phase of the proposed development there will be some dust impacts experienced at the nearest receptors to the subject site. It is predicted that the mitigation measures proposed will ensure that the air quality impacts are kept to a minimum. The predicted air quality impacts on the receiving environment during the construction phase are considered to be slight and short term and only affecting a small number of properties. The only predicted air quality impacts associated with operation of the development are emissions to atmosphere from traffic associated with the development. The change in traffic movements will have no quantifiable impact on air quality. The predicted air quality and climate impacts on the receiving environment during the operational phase are considered to be not significant and long-term.

Mitigation measures are set out in Appendix 13.1 Volume III and includes measures relating to dust deposition (construction phase) including inter alia a detailed Dust Management Plan incorporated in the overall CEMP. The measures outlined in the CEMP will be in place for the duration of the construction phase to ensure no significant dust impacts occur.

Overall no significant Air quality or Climatic impacts are predicted. Compliance with EU ambient air quality legislative limit values, based on the protection of human health, will ensure that the no significant construction impacts on human health are likely.

Cumulative Impacts:

Cumulative impacts can occur if the construction phase overlaps with the construction phase of other developments within 350m and impact on nearby sensitive receptors. At the time of writing the EIAR it was concluded that there are no developments within 350m of the site with potential simultaneous construction phases.

In the event that the construction phase of the proposed development coincides with the construction of any other permitted developments within the zone of influence of the subject site (< 350m) there is the potential for cumulative dust impacts to the nearby sensitive receptors. The dust mitigation measures outlined should be applied throughout the construction phase of the proposed development and with similar mitigation measures applied for other permitted developments then this will prevent any significant cumulative impacts on air quality. With appropriate mitigation measures in place, the predicted cumulative impacts on air quality and climate associated with the construction phase of the proposed development are deemed not significant and temporary which I consider this acceptable.

The proposed residential developments for the area have the potential to add further additional vehicles to the local road network and additional heating systems to local area. The traffic impact for the proposed development has been predicted to have a neutral and imperceptible impact on air quality and climate and it is considered unlikely that the other proposed residential developments both under construction and planned and any other future developments of similar scale would give rise to a significant impact during the operational stages of those projects.

Residual Impacts:

I have considered all of the application documentation and submissions received, and I am satisfied that impacts that are predicted to arise in relation to Air Quality and Climate would be avoided, managed and mitigated by the measures which form part of the proposed scheme. I am satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative impacts in terms of Air Quality and Climate. Overall, I concur with the conclusions of the EIAR with respect to Air Quality and Climate.

Cultural Heritage – Archaeology & Built Heritage.

Chapter 14 assesses the impact of the development on the Cultural Heritage (Archaeology and Built Heritage) of the site. The report includes a desktop assessment and field visit undertaken on 9th October 2022, archaeological test trenching from 6th to 12th December 2022. The desktop section was compiled using the Records of Monuments and Places; buildings of Ireland, historic maps; aerial photographs; place names and historic books and journals.

There are no archaeological, built heritage or cultural heritage features within the site. A number of archaeological features are found within the study area c.500m of the site.

Likely Significant Impacts:

If present on site, there may be a direct negative impact on previously unrecorded archaeological features or deposits that have the potential to survive beneath the current ground level. Appropriate mitigation measures are included to mitigate any potential impact.

There is no predicted impact to the architectural heritage resource, at either construction or operational phases and as such no mitigation measures are required. Subject to the completion of mitigation measures, there will be no significant negative residual impacts upon the archaeological resource.

I have considered all of the application documentation and submissions received, and I am satisfied that the impacts predicted to arise in relation to Cultural Heritage - Archaeology & Built Heritage and Cultural Heritage - Archaeology & Built Heritage would be avoided, managed and mitigated by the measures which form part of the proposed scheme. Overall, I concur with the conclusions of the EIAR with respect to Cultural Heritage – Archaeology & Built Heritage.

Interactions of the Foregoing.

Chapter 15 provides an assessment of the interactions and interrelationships of the different environmental factors / impacts that will occur as a result of the proposed development including synergistic and cumulative impacts. In all instances, mitigation measures have been proposed to avoid, remedy or reduce identified impacts. These are proposed and outlined within individual EIAR chapters to ensure that any potential adverse impacts that may arise as a result of the proposed development are minimised/neutralised.

The EIAR recognises that all factors are inter-related to some extent and Chapter 15 seeks to identify and set out in one location all potential impacts of the subject scheme. All of the potential significant effects of the proposed development and the measures proposed to mitigate them have been outlined in the preceding chapters of the EIAR. However, for any development with the potential for significant environmental effects, there is also the potential for interaction amongst these potential significant effects. The result of interactive effects may exacerbate the magnitude of the effects or ameliorate them or have a neutral effect.

Chapter 15 provides a summary of all interactions. It states that the potential impacts arising from the interactions were identified early in preparation of the EIAR/design process and therefore have been avoided through (i) design measures or (ii) the specific mitigation measures outlined in the EIAR chapters and summarised in chapter 16. The chapter identified interactions as follows:

Population and Human Health (construction phase)	Material Assets – Traffic & Transport. Traffic flow for construction vehicles in the locality has potential to impact upon road safety and create safety risks for pedestrians and cyclist.
	Noise & Vibration. There is potential for impact on human health associated with noise during the construction phase.
	Air Quality & Climate. There is potential for impact on human health from dust associated with construction activities.
Population and Human Health (operational phase)	Landscape & Visual. The landscape plan will impact on the quality of the private and communal open spaces, which could impact on people’s health and well being.
	Material Assets – Traffic & Transport. Traffic flows within the site has the potential to create safety risks for pedestrians and cyclists.
	Air Quality & Climate. There is potential for impact on human health from a deterioration in air quality associated with emissions from vehicles.
Landscape & Visual (construction phase)	Population & Human Health. Impacts on landscape and visual amenity can negatively affect residential amenity in affected areas.
Landscape & Visual (operational phase)	Population & Human Health. The landscape plan will impact on the quality of the private and communal open spaces, which could impact on people’s health and well being.
	Biodiversity. The proposed landscaping interacts with its biodiversity and ecology through the changes that will occur to the existing habitats and flora at the site. The landscaping proposals will entail losses and contributions in terms of vegetation at the site, which in turn will affect the ecology of the site. The landscape plan includes the provision of a variety of different habitat types, including woodland and wetland/pond areas.
Material Assets – Traffic & Transport (construction phase)	Noise & Vibration. The projected increase in heavy vehicle traffic during the construction phase may lead to a slight increase in noise and vibration levels along the adopted construction haul route. Such effects will be temporary.

	<p>Air Quality. During construction phase, construction traffic will contribute to increased traffic volumes with majority of construction vehicles being HGVs. This will impact negatively on the surrounding air quality. This will be short term in nature and will be managed by means of an effect CEMP.</p> <p>Land & Soil. Delivery of materials to site will lead to potential impact on surrounding road network. The scheme will be developed in line with the separate CTMP to ensure any impacts on local traffic is minimised during the construction phase. This impact will be short term in nature.</p>
<p>Material Assets – Traffic & Transport (operational phase)</p>	<p>Noise & Vibration. The projected increase in vehicle traffic during the operational phase may lead to a slight increase in noise levels during peak generation periods. Implementation of the mitigation measures described in the EIAR will prevent and minimise the potential impacts of this interaction.</p> <p>Air Quality. During the operational phase, development traffic will contribute to increased traffic volumes on the surrounding network which in turn will impact air quality in terms of additional emissions. This will be long term in nature.</p>
<p>Material Assets – Built Services (construction phase)</p>	<p>Population & Human Health. Connections to existing services may require temporary interruption to existing services in the local area.</p> <p>Water & Hydrology. The construction of the proposed services (water supply and drainage) may affect the local hydrological and hydrogeological environment as there is a risk of suspended solids runoff)</p>
<p>Material Assets – Built Services (operational phase)</p>	<p>Water & Hydrology. There will be an increased demand for potable water supply.</p>
<p>Material Assets – Waste (construction phase)</p>	<p>Population & Human Health. If domestic and commercial waste material is not managed and stored correctly, it is likely to lead to litter or pollution issues at the development site and adjacent area.</p>

	<p>Land & Soils. The potential impacts on the environment of improper, or lack of waste management during the operational phase will be a diversion from the priorities of the waste hierarchy which would lead to small volumes of waste being sent unnecessarily to landfill.</p> <p>Traffic & Transport. Specifically movement of waste associated with the construction phase.</p>
<p>Lands & Soils (construction phase) No potential operational interactions identified.</p>	<p>Material Assets – Built Services. The construction of the proposed services (water supply, drainage, IT etc) may affect the local hydrological and hydrogeological environment as there is a risk of suspended solids runoff.</p> <p>Water & Hydrology. Site preparatory works during the construction phase have the potential to impact on the hydrology and hydrogeology due to the risk of suspended solids becoming entrained in surface water run off and accidental spills etc.</p> <p>Biodiversity. Site preparatory works have the potential to cause impact on the biodiversity of the site, through removal and disturbance of habitats and species.</p> <p>Archaeological & Cultural Heritage. Site clearance works may impact on sub-surface archaeology.</p>
<p>Water & Hydrology (construction phase)</p>	<p>Material Assets – Built Services. The construction of the proposed services (water supply, drainage, IT etc) may affect the local hydrological and hydrogeological environment as there is a risk of suspended solids runoff.</p> <p>Land & Soils. Site preparatory works (ie site clearance, re-profiling, etc) during the construction phase have the potential to impact on the hydrology and hydrogeology due to the risk of suspended solids becoming entrained in surface water runoff and accidental spills etc.</p> <p>Biodiversity. Addressing water quality deterioration within Naniken stream and the Santry River, potentially also affecting fauna within. Addressing injury/mortality to amphibians during site clearance and construction. Addressing injury/mortality to fauna during vegetation clearance.</p>

Biodiversity (construction and operational phases)	Landscape & Visual. The proposed landscaping of the site interacts with biodiversity and ecology, through changes that will occur to the existing habitats and flora at the site. The landscaping proposal will entail losses and contributions in terms of vegetation at the site, which in turn will affect ecology. The site in its current state is not of high ecological value and the proposed landscaping will not result in significant adverse effects in this regard.
	Land & Soils
	Water & Hydrology
Noise & Vibration (construction and operational phases)	Material Assets – Traffic & Transport
Air Quality & Climate (construction and operational phases)	Population & Human Health
	Traffic & Transport
	Biodiversity
	Land & Soils
Cultural Heritage: Archaeological and Built Heritage (operational phase)	Landscape & Visual

Having reviewed the EIAR I consider the principal interaction as follows:

- Material Assets - Traffic and Transport, Noise & Vibration and Air Quality & Climate, Landscape & Visual with population and human health;
- Noise & Vibration, Air Quality & Climate, Land & Soils with Material Assets - Traffic and Transport
- Water & Hydrology with Material Assets – Built Services.
- Material Assets – Built Services, Water & Hydrology, Biodiversity with Land & Soils.
- Land & soils, Landscape & Visual and Water & Hydrology with biodiversity;

The EIAR concluded that the development has the potential to impact on various environmental aspects, with interactions and inter-relationships between these aspects. The EIAR considered these interactions and inter-relationships throughout the appraisal, through design and layout of the proposed development to avoid impacts where possible and also in the definition of suitable mitigation measures to minimise the impacts.

I have considered the interrelationships between factors and whether these might as a whole affect the environment, even though the effects may be acceptable on an individual basis. Having considered the mitigation measures in place, which seek to avoid, remedy or reduce identified impacts, the development will not result in any significant adverse interactions or cumulative adverse impact on the environment.

Other Impacts:

Direct and Indirect Effects Resulting from the Use of Natural Resources:

Schedule 6 Item 2 (c) of the Planning and Development Regulations, 2001 - 2015 requires that an EIAR contains a description of the likely significant effects (including direct, indirect, secondary, cumulative, short, medium and long-term, permanent and temporary, positive and negative) of the proposed development on the environment resulting from the use of natural resources. No likely significant effects (including direct, indirect, secondary, cumulative, short, medium and long term, permanent and temporary, positive and negative) of the proposed development on the environment are expected to arise from the use of natural resources.

Direct and Indirect Effects Resulting from Emission of Pollutants, Creation of Nuisances and Elimination of Waste:

Schedule 6 Item 2 (c) of the Planning and Development Regulations, 2001 - 2015 requires that an EIAR contains a description of the likely significant effects (including direct, indirect, secondary, cumulative, short, medium and long-term, permanent and temporary, positive and negative) of the proposed development on the environment resulting from the emission of pollutants, the creation of nuisances and the elimination of waste. No likely significant effects on the environment are expected to arise from the emission of pollutants, the creation of nuisances or the elimination of waste.

In addition, the following points are noted:

- No likely significant effects on the environment are expected to arise from the use of natural resources or from the emission of pollutants, the creation of nuisances or the elimination of waste.
- The cumulative impact of the development is categorised as negative, local and short term.

- There are no material or significant environmental issues arising which were not anticipated by the Dublin City Development Plan 2022-2028 and considered in its SEA.

Summary of EIA Mitigation and Monitoring Measures

Chapter 16 contains a summary of all the mitigation and monitoring measures proposed throughout the EIAR document for ease of reference.

Reasoned Conclusion on the Significant Effects

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

- Population and human health impacts mitigated by appropriate construction and operational management plans. Direct positive effects with regard to population and material assets due to the increase in population to help sustain and generate improvements to physical infrastructure in the area. After implementation of these measures there is no risk of significant negative residual effects.
- Biodiversity impacts mitigated by additional planting/landscaping and appropriate work practices. After implementation of these mitigation measures there is no risk of significant negative residual effects.
- Potential significant effects on land and soils during construction, which will be mitigated by the re-use of material on the site, minimal removal of topsoil and subsoil; management and maintenance of plant and machinery and the implementation of measures to control emissions of sediment to water and dust to air during construction. After implementation of these mitigation measures there is no risk of significant negative residual effects.

- Hydrology impacts to be mitigated by management of surface water run-off during construction to prevent run off discharging directly into watercourses. After implementation of these mitigation measures there is no risk of significant negative residual effects.
- Potential indirect effects on water which would be mitigated during the occupation of the development by the proposed system for surface water management and attenuation with respect to stormwater runoff and the drainage of foul effluent to the public foul sewerage system, and which will be mitigated during construction by appropriate management measures to control the emissions of sediment to water. After implementation of these mitigation measures there is no risk of significant negative residual effects.
- Potential effects on air during construction which would be mitigated by a dust management plan including a monitoring programme. After implementation of these mitigation measures there is no risk of significant negative residual effects.
- Potential effects arising from noise and vibration during construction would be mitigated by appropriate management measures and by adherence to requirements of relevant code of practice. After implementation of these mitigation measures there is no risk of significant negative residual effects.
- A positive effect on landscape and visual impact of the wider area as the proposed development would improve the amenity of the land through the provision of dedicated public open spaces and improved public realm.
- Traffic and Transportation impacts mitigated by the management of construction traffic by way of Construction and Environmental Management Plans. After implementation of these mitigation measures there is no risk of significant negative residual effects.
- Cultural Heritage and archaeology would be mitigated by the use of pre construction trench testing and there is no risk of significant negative residual effects.

- An upgrade of utilities and telecommunications would have a positive impact for the site and the surrounding area. With mitigation in place no significant residual impacts will result.

The EIAR has considered that the main significant direct and indirect effects of the proposed development on the environment would be primarily mitigated by environmental management measures, as appropriate. The assessments provided in the individual EIAR chapters, and in supplementary reports and documents provided by the applicants, are satisfactory. I am satisfied that the information provided enables the likely significant environmental effects arising as a consequence of the proposed development to be satisfactorily identified, described and assessed. I am satisfied that the proposed development would not have any unacceptable direct or indirect effects on the environment.

11.0 Recommendation

Having regard to the land use zoning of the site as 'Z12 and Z1' and the site's location on SDRA16 lands, where residential development is deemed to be permissible, the site's location in the outer suburbs of Dublin City within walking distance of local services, the provisions of the 'Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, DEHLG, 2009, the scale, design, layout and density of the proposed development, and to the nature and pattern of development in the vicinity, the EIAR submitted with the application to Dublin City Council I am satisfied that the development would not seriously injure the residential or visual amenities of the area or of property/land in the vicinity, would be consistent with national and local planning policy and would be acceptable in terms of design, scale, height, mix and quantum of development, would not have a detrimental impact on residential amenities of existing properties and would be acceptable in terms of pedestrian and traffic safety, I also consider that the development would not subject future occupiers to flood risk or increase the risk of flood elsewhere.

On the basis of the above planning assessment, Appropriate Assessment Screening and Environmental Impact Assessment, I recommend that, subject to the conditions outlined below permission should be granted for the proposed development in accordance with the recommended Board Order in section 12 and the reasons and considerations contained therein.

12.0 Recommended Board Order

Planning and Development Acts 2000 to 2020 as amended.

Planning Authority: Dublin City Council

Planning Register Reference Number: LRD 6019-22S3

Appeals by 1) Marie Warren & Margaret Farrelly on behalf of Castletimon residents and 2) Peter Maher against the decision made on the 23rd day of February 2022 by Dublin City Council to grant permission to Glenveagh Living Limited for the proposed Large Scale Residential Development application subject to conditions.

Location: Oscar Traynor Road site, Dublin 5/Dublin 9, bounded by Coolock lane (R104) to the north, Castletimon estate to the east, Lorcan estate to the south and by the N1 to west, south-east of M50 Junction 2 Interchange.

Proposed Development:

Development of a Large-scale Residential Development (LRD) encompassing 853 new homes comprising 343 social housing units (40%), 340 cost rental units (40%) and 170 affordable purchase units (20%) on a site of approx. 17.1 ha known as the 'Oscar Traynor Road Site, Dublin 5/Dublin 9, bounded by Coolock Lane (R104) to the north, Castletimon estate to the east, Lorcan estate to the south and by the N1 to the west, south-east of the M50 Junction 2 Interchange. The development will consist of:

I. 4 apartment buildings ranging in height from 3 to 6-storeys located along the northern boundary (Coolock Lane) of the site, with a total of 435 apartments and 40 duplex units, as follows:

a) Block BA-01 is 6-storeys in height with a total of 162 apartments, including 6 studio units, 38 no. 1-bedroom units, 88 no. 2-bedroom units and 30 no. 3-bedroom units, with a semi-private courtyard of 2,455 sq.m;

b) Block BA-02 is 6-storeys in height with a total of 158 apartments, including 7 studio units, 33 no. 1-bedroom units, 89 no. 2-bedroom units and 29 no. 3-bedroom units over podium carpark together with a podium semi-private courtyard of 1,400 sq.m;

c) Block BA-03 is 5-storeys in height with a total of 95 apartments including 28 no. 1-bedroom units, 48 no. 2-bedroom units and 19 no. 3-bedroom units, with a semi-private courtyard of 1,390 sq.m; and

d) Block BA-04 is 3-storeys in height with a total of 20 apartments including 12 no. 1-bedroom units, 8 no. 3-bedroom units and 40 no. duplex 2-bedroom units, over podium carpark and with a semi-private podium courtyard of 1,758 sq.m total.

II. 240 no. houses and 138 duplex apartment units, as follows;

a) 226 no. 2-storey houses including 58 no. 2-bedroom units and 168 no. 3-bedroom units;

b) 14 no. 3-storey 4-bedroom houses; and

c) 138 no. 3-storey duplex units, including 7 no. studio units, 50 no. 1-bedroom units, 54 no. 2-bedroom

units and 27 no. 3-bedroom units.

III. A total of 3.64ha public open spaces comprising.

a) Lawrence Lands Park' (3.12ha), featuring the re-opened River Naniken and incorporating allotments, orchards, nature trails, skate and scooter park, wetlands with boardwalks and weir/pedestrian bridge over, cycle trails and woodlands; b) 5 pocket parks, including Kilmore Gardens (580 sq.m), Lawrence Gardens (2,548 sq.m), Castle Gardens (1,522 sq.m) Pocket Park West 1 (260 sq.m) and Pocket Park West 2 (260 sq.m).

IV. A 2-storey neighbourhood hub building with a cumulative GFA of 1,680 sq.m including a ground floor unit of 269.3 sq.m to facilitate a Class 1 (shop) and café (food and beverage) use, with 1,411 sq.m of floorspace at ground and first floor levels designated for Class 10 (community/arts) and/or Class 11 (cultural) uses

V. A 2-storey crèche (with capacity for 154 children) including an associated outdoor play area.

VI. 797 car parking spaces including 671 residential spaces and 126 parking spaces to serve the Neighbourhood Hub, crèche and visitors parking. 32 spaces will be disabled access compliant and there are 16 motorcycle parking spaces provided.

VII. 1412 long-stay resident and 394 short-stay visitor bicycle parking spaces to serve the development. Separately 40 scooter parking spaces are proposed to serve the Neighbourhood Hub and crèche.

VIII. The primary vehicular access will be via a new three-arm signal-controlled junction from Coolock Lane (R104). This new signal-controlled access junction will provide for upgraded/new pedestrian and cyclist infrastructure.

IX. A second vehicular access will be created from Lorcan Park to the south. This access will serve a cluster of 64 units (Phase 1A) of the development only with no through access for general vehicular traffic to the remainder of the site.

X. 7 new pedestrian/cyclist access points including 4 at Coolock Lane, 1 at Lorcan Park, 1 at Castletimon Gardens and 1 at Castletimon Road.

XI. 4 no. ESB substations/service buildings to serve the apartment and duplex buildings (including 2 standalone single storey substations).

XII. Plant, solar PV panels, waste storage areas and bring centre, boundary treatment, lighting and all ancillary site development works.

An Environmental Impact Assessment Report (EIAR) and Natura Impact Statement (NIS), have been prepared in respect of the proposed development. The application may be inspected online at the following website set up by the applicant:

<https://oscartraynorroadlrd.ie>

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.

Matters Considered

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

Reasons and Considerations

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

- (a) the location of the site in an area where residential development is permitted under zoning Z12 and Z1 in an area designated SDRA16 under the Dublin City Development Plan 2022-2028.
- (b) the policies and objectives of the Dublin City Development Plan 2022-2028;
- (c) The nature, scale and design of the proposed development and the availability in the area of infrastructure;
- (d) The pattern of existing and permitted development in the area;
- (e) The planning history of the site and the zoning of adjacent lands;
- (f) The provisions of Housing for All, A New Housing Plan for Ireland 2021;
- (g) The Guidelines for Sustainable Residential Developments in Urban Areas and the accompanying Urban Design Manual – a Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009;
- (h) Urban Development and Building Heights Guidelines for Planning Authorities, prepared by the Department of Housing, Planning and Local Government in December 2018;
 - i) The Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of the Environment, Community and Local Government 2020;
 - (j) Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2013;
 - (k) The Planning System and Flood Risk Management’ (including the associated ‘Technical Appendices’) 2009;
 - (l) The Architectural Heritage Protection Guidelines for Planning Authorities 2011.

- (m) The provisions of the Climate Action Plan 2023
- (n) The policies and objectives set out in the National Planning Framework
- (n) The policies and objectives of the Regional and Spatial Economic Strategy for the Eastern and Midland Regional Assembly
- (p) The EIAR submitted with the application
- (r) The grounds of appeal received
- (s) The observations received
- (s) The submission from the Planning Authority

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

Appropriate Assessment

Appropriate Assessment: Stage 1

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European Sites, taking into account the nature, scale and location of the proposed development in a serviced urban area, the Natura Impact Statement Report and other documentation submitted with the application to Dublin City Council, the Inspector's report, and submissions on file received at application and appeal stage. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a significant effect on any European Site in view of the conservation objectives of such sites.

Environmental Impact Assessment

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

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

Reasoned Conclusions on the Significant Effects

The Board considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the applicant, provided information which is reasonable and sufficient to allow the Board to reach a reasoned conclusion on the significant effects of the proposed development on the environment, taking into account current knowledge and methods of assessment and the results of the examination set out in the Inspector's Report.

The Board is satisfied that the information contained in the Environmental Impact Assessment Report is up to date and complies with the provisions of EU Directive 2014/52/EU amending Directive 2011/92/EU. The Board considered that the main significant direct and indirect effects of the proposed development on the environment are those arising from the impacts listed below. A Construction Environmental Management Plan is the overarching general mitigation relevant to the project design and delivery for the construction stage.

The Board considered that the main significant direct and indirect effects of the proposed development on the environment are, and will be mitigated as follows:

- Population and human health impacts mitigated by appropriate construction and operational management plans. Direct positive effects with regard to population and material assets due to the increase in population to help sustain and generate improvements to physical infrastructure in the area. After implementation of these measures there is no risk of significant negative residual effects.

- Biodiversity impacts mitigated by additional planting/landscaping and appropriate work practices. After implementation of these mitigation measures there is no risk of significant negative residual effects.
- Potential significant effects on land and soils during construction, which will be mitigated by the re-use of material on the site, minimal removal of topsoil and subsoil; management and maintenance of plant and machinery and the implementation of measures to control emissions of sediment to water and dust to air during construction. After implementation of these mitigation measures there is no risk of significant negative residual effects.
- Hydrology impacts to be mitigated by management of surface water run-off during construction to prevent run off discharging directly into watercourses. After implementation of these mitigation measures there is no risk of significant negative residual effects.
- Potential indirect effects on water which would be mitigated during the occupation of the development by the proposed system for surface water management and attenuation with respect to stormwater runoff and the drainage of foul effluent to the public foul sewerage system, and which will be mitigated during construction by appropriate management measures to control the emissions of sediment to water. After implementation of these mitigation measures there is no risk of significant negative residual effects.
- Potential effects on air during construction which would be mitigated by a dust management plan including a monitoring programme. After implementation of these mitigation measures there is no risk of significant negative residual effects.
- Potential effects arising from noise and vibration during construction would be mitigated by appropriate management measures and by adherence to requirements of relevant code of practice. After implementation of these mitigation measures there is no risk of significant negative residual effects.
- A positive effect on landscape and visual impact of the wider area as the proposed development would improve the amenity of the land through the provision of dedicated public open spaces and improved public realm.

- Traffic and Transportation impacts mitigated by the management of construction traffic by way of Construction and Environmental Management Plans. After implementation of these mitigation measures there is no risk of significant negative residual effects.
- Cultural Heritage and archaeology would be mitigated by the use of pre construction trench testing and there is no risk of significant negative residual effects.
- An upgrade of utilities and telecommunications would have a positive impact for the site and the surrounding area. With mitigation in place no significant residual impacts will result.

The EIAR has considered that the main significant direct and indirect effects of the proposed development on the environment would be primarily mitigated by environmental management measures, as appropriate. The likely significant environmental effects arising as a consequence of the proposed development have therefore been satisfactorily identified, described and assessed.

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

Conclusions on Proper Planning and Sustainable Development

The Board considered having regard to the zoning objectives for the site as set out in the Dublin City Development Plan 2022-2028, the pattern of existing development in the immediate vicinity of the site, the EIAR submitted with the application to Dublin City Council and subsequent Environmental Impact Assessment and Appropriate Assessment Screening in the Inspectors Report, the location in the outer suburbs of Dublin City and a reasonable walking distance of services and amenities. It is considered that the proposed development would not seriously injure the residential or visual amenities of the area or of property/land in the vicinity, would be consistent with national and local planning policy and would be acceptable in terms of design,

scale, height, mix and quantum of development, and in terms of pedestrian and traffic safety. It was also concluded that the development would not subject future occupiers to flood risk or increase the risk of flood elsewhere. 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 received by Dublin City Council on the 21st day of December 2022, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Mitigation and monitoring measures outlined in the plans and particulars, including the Environmental Impact Assessment Report and Construction Environmental Management Plan with this application shall be carried out in full, except where otherwise required by conditions attached to this permission.

Reason: In the interest of avoiding adverse impacts on the receiving environment, protecting the environment and in the interest of public health

3. Details of the materials, colours and textures of all the external finishes to the proposed dwellings/buildings shall be as submitted with the application and appeal, 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.

4. The development shall be carried out on a phased basis, in accordance with a phasing scheme submitted with the planning application, (unless otherwise

agreed in writing with the planning authority/An Bord Pleanála prior to commencement of any development.)

Reason: To ensure the timely provision of services, for the benefit of the occupants of the proposed dwellings.

5. All links/connections to adjoining lands (within and outside the applicants control) shall be provided up to the site boundary to facilitate future connections subject to the appropriate consents.

Reason: In the interest of permeability and safety.

6. (a) Prior to commencement of development, all trees, groups of trees, hedging and shrubs which are to be retained shall be enclosed within stout fences not less than 1.5 metres in height. This protective fencing shall enclose an area covered by the crown spread of the branches, or at minimum a radius of two metres from the trunk of the tree or the centre of the shrub, and to a distance of two metres on each side of the hedge for its full length, and shall be maintained until the development has been completed.

(b) No construction equipment, machinery or materials shall be brought onto the site for the purpose of the development until all the trees which are to be retained have been protected by this fencing. No work shall be carried out within the area enclosed by the fencing and, in particular, there shall be no parking of vehicles, placing of site huts, storage compounds or topsoil heaps, storage of oil, chemicals or other substances, and no lighting of fires, over the root spread of any tree to be retained.

(c) Excavations in preparation for foundations and drainage, and all works above ground level in the immediate vicinity of retained trees as submitted with the application, shall be carried out under the supervision of a specialist arborist, in a manner that will ensure that all major roots are protected and all branches are retained. (d) No trench, embankment or pipe run shall be located within three metres of any trees/hedging which are to be retained on the site.

Reason: To protect trees/hedgerow and planting during the construction period in the interest of visual amenity.

7. The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs shall be in accordance with the detailed construction standards of the planning authority for such works and design standards outlined in DMURS. 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.

8. Comprehensive details of the proposed public lighting system to serve the development shall be submitted to and agreed in writing with the planning authority, prior to commencement of /installation of the lighting. The agreed lighting system shall be fully implemented and operational, before the proposed is made available for occupation.

Reason: In the interest of public safety and visual amenity.

9. 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 , including:

- a) A Pre-Construction Invasive Species Management Plan and an Invasive Species Management Plan if required;
- b) Provision for mitigation measures described in the approved NIS;
- c) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
- d) Location of areas for construction site offices and staff facilities;
- e) Details of site security fencing and hoardings;
- f) Details of on-site car parking facilities for site workers during the course of construction;

- g) 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;
- h) Measures to obviate queuing of construction traffic on the adjoining road network;
- i) Details of lighting during construction works;
- j) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- k) 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 works;
- l) Provision of parking for existing properties at during the construction period;
- m) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- n) 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;
- o) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- p) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.
- q) A record of daily checks that the works are being undertaken in accordance with the Construction Environmental Management Plan shall be kept for inspection by the planning authority.

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

10. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays and between 0800 and 1400 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 residential amenities of property in the vicinity.

11. Prior to commencement of development, the developer shall enter into water and wastewater connection agreements with Irish Water.

Reason: In the interest of public health.

12. Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority.

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

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

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

14. The areas of public open space shown on the lodged plans shall be reserved for such use and shall be soiled, seeded, and landscaped in accordance with the landscape scheme submitted to planning authority with the application, unless otherwise agreed in writing with the planning authority. This work shall be completed before any of the dwellings are made available for occupation and shall be maintained as public open space by the developer until taken in charge by the local authority or management company.

Reason: In order to ensure the satisfactory development of the public open space areas, and their continued use for this purpose.

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

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

16. The boundary planting and public open spaces shall be landscaped in accordance with the landscape scheme submitted to the planning authority with the application, unless otherwise agreed in writing with the planning authority. The landscape scheme shall be implemented fully in the first planting season following completion of the development, and any trees or shrubs which die or are removed within three years of planting shall be replaced in the first planting season thereafter. This work shall be completed before any of the dwellings are made available for occupation. Access to green roof areas shall be strictly prohibited unless for maintenance purposes.

Reason: In order to ensure the satisfactory of the public open space areas, and their continued use for this purpose.

17. a) All trees shall be inspected by a suitable qualified expert for bats prior to felling. In the event a roost is found the developer shall require a derogation license from the National Parks and Wildlife Service.
- b) Bat and bird boxes shall be installed in the proposed development, prior to the occupation of the residential units. The number, type and location of the boxes shall be submitted to and agreed in writing with the planning authority.

c) Any clearance of vegetation from the site should only be carried out in the period between the 1st of September and the end of February i.e. outside the main bird breeding season.

Reason: To avoid the destruction of the nests, nestlings and eggs of breeding birds and to avoid the proposed development causing detrimental effects on flora, fauna and natural habitats.

18. Prior to the occupation of the residential units, a Mobility Management Strategy shall be submitted to and agreed in writing with the planning authority. This shall provide for incentives to encourage the use of public transport, cycling, walking. 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.

19.No advertisement or advertisement structure shall be erected or displayed on the building (or within the curtilage of the site) in such a manner as to be visible from outside the building, unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity.

20. The developer shall engage the services of a suitably qualified archaeologist to co-ordinate the archaeological mitigation measures (preservation in situ, preservation by record and archaeological monitoring).

The archaeologist shall provide detailed plans for the preservation in situ, conservation and preservation of archaeological features outside the public space and the archaeological monitoring of all ground disturbance aspects of the development. The plans for the preservation of the enclosure and excavation of other features shall be agreed within the planning authority in writing prior to the commencement of construction works.

Should previously unidentified archaeological material be found during the course of monitoring, the archaeologist may have work on the site stopped pending a decision of how best to deal with archaeology.

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

- a. notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed,
- b. employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
- c. provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove. In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

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

21. Proposals for a naming 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 signs, and apartment numbers, shall be provided in accordance with the agreed scheme. The proposed names shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

Reason: In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.

22. All service cables associated with the proposed development such as electrical, telecommunications and communal television shall be located. 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.

23. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006.

Reason: In the interest of sustainable waste management.

24. a) Crane activities at the site shall be coordinated with Dublin Aviation Authority at least 90 days in advance for assessment of proposed crane activities.

b) Prior to the commencement of development an aviation obstacle warning lighting scheme for the development shall be agreed with the Dublin Aviation Authority.

Reason: In the interests of aviation safety.

25. a) Prior to the commencement of development, plans and details identifying the M50, Port Tunnel and associated infrastructure and structures including drainage locations relative to the proposed development at construction and operation stages shall be submitted to the planning authority for written agreement subject to TII written approval.

b) Prior to the commencement of development a Construction Method Statement shall be submitted for the written agreement of the planning authority subject to the written agreement of TII. The method Statements shall address all network interface issues and shall include a TII approved risk assessment for works associated with interfaces where required.

c) the Construction Environmental Management Plan, including the outline Construction Traffic Management Plan shall be updated to include the national

road network and TII amongst the existing infrastructure and infrastructure providers for dedicated consultation and mitigation. The updated Construction and Environmental Management Plan and Construction Traffic Management Plan including access to services, shall include the Construction Method Statement for national roads and submitted for written agreement by the planning authority.

Reason: In the interests of protecting the safety, efficiency and carrying capacity of the national road network.

26. Prior to the lodgement of a commencement notice, 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 accordance with the requirements of section 75(3) and (4) of the Land Development Agency Act 2021. In default of such agreement, the matter shall be referred to An Bord Pleanála for determination.

Reason: To comply with the requirements of Part 9 of the Land Development Agency Act 2021.

27. Prior to the commencement of the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority, such agreement must specify the number and location of each housing unit, pursuant to Section 47 of the Planning and Development Act 2000, that restricts all residential units permitted to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.

Reason: To restrict new housing to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.

28. Prior to commencement of development, the developer or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended,

unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the 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 to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or,

in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the 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 of 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.

Dáire McDevitt

Senior Planning Inspector

9th June 2023