



An
Bord
Pleanála

Inspector's Report

ABP-317438-23

Development

9 no. residential buildings providing 811 apartments (494 no. standard designed apartments and 317 no. Build to Rent apartments), new hospital building, refurbishment and repurposing of existing buildings on site including Brooklawn (RPS Ref.: 8789), Richmond House, including chapel and outbuildings (RPS Ref.: 8788) and ancillary works.

Location

St. Vincent's Hospital, Richmond Road and Convent Avenue, Fairview, Dublin 3

Planning Authority

Dublin City Council.

Planning Authority Reg. Ref.

LRD6009/23-S3

Applicant(s)

St. Vincent's Hospital Fairview

Type of Application

Large - Scale Residential
Development (LRD)

Planning Authority Decision

Grant subject to conditions.

Type of Appeal

First & Third Parties

Appellant(s)

1. St. Vincent's Hospital, Fairview
2. Ierne Social & Sports Club
3. Brian Delaney
4. Martin Kirk
5. Hogan View Management
Company Limited
6. Michael Callanan and others

Observer(s)

1. Cllr. Damian O'Farrell
2. David Finnegan
3. Ruth MacNeill & Jonathan O'Beirne
4. Residential of the Eastern End of
Richmond Rod Area (Convent
Avenue Surrounds)
5. Edmond Fitzsimons

Date of Site Inspection

11th August 2023

Inspector

Irené McCormack

1.0 Site Location and Description

The appeal site is located at and surrounding St. Vincent's Hospital, Richmond Road and Convent Avenue, Fairview, Dublin 3, approximately 550m from Fairview district centre and c. 1km from Drumcondra district centre. The overall application site is stated at 9.46ha.

The site contains protected structures under RPS Ref.: 2032 (St. Vincent's Hospital old house/convent, including plastered extension to the west, entrance porch to convent. Two-storey over garden level brick building (with granite steps and entrance door surround) on south front. Four-storey pedimented brick pavilion, with stone trimmings, to the west (including granite balustrading at parapet level). Railings in front of convent building on north side), RPS Ref.: 8788 (Richmond House including former chapel and courtyard with outbuildings) and RPS Ref.: 8789 (Brooklawn, a 'House', including red brick wall and two gate piers).

The existing Hospital development on site is primarily located towards the eastern side of the site with a large green area located to the northwest. There are a number of mature trees on site. The site rises gently in a south to north direction.

The site is bound by the Grace Park Wood residential development to the northwest; Griffith Court, the 'Fairview Community Unit' nursing home, Fairview Day Centre, Gheel Autism Services and a graveyard to the north; the An Post Fairview Delivery Service Unit on Lomond Avenue and properties on Inverness Road, Foyle Road and Richmond Avenue to the east; existing residential and commercial properties on Richmond Road and Convent Avenue to the south and Charthouse Business Centre, Dublin Port Stadium / Stella Maris FC, and Ierne Sports and Social Club to the west of the site.

The principal access to the site is from Richmond Road and Convent Avenue, via the existing entrances to the hospital. A vehicular route continues around the day hospital and continues eastwards to join the laneway which acts as a secondary access for the main hospital complex to the east. Access to the eastern portion of the site is via Convent Avenue which runs southwards along the east of the nursing home. An emergency vehicular connection exists to the northern site boundary which provides a connection from Grace Park Close.

2.0 Proposed Development

The development which is the subject of the current LRD appeal will consist of the redevelopment of the site to provide for a new hospital building, providing mental health services, provision of 9 no. residential buildings (Blocks A, B, C, D-E, F, G, H, J, and L), community facilities, and public open space. The proposed building heights range from 2 to 13 storeys. The residential development includes a total of 811 no. residential units, including 494 no. standard design apartments (SDA) and 317 no. Build to Rent (BTR) apartments, with a mix of 18 no. studio units, 387 no. 1 bed units, 349 no. 2 bed units and 57 no. 3 bed units.

The development includes the partial demolition and change of use, including associated alterations, of the existing hospital building (part protected structure under RPS Ref.: 2032), to provide residential amenity areas, a gym, a café, co-working space, a community library, a childcare facility, and a community hall (referred to as Block K).

The proposed development includes the construction of a part 2 storey part 3 storey mental health facility building accommodating a total of 73 no. beds and all associated site works. Provision is also made for the change of use, refurbishment and alterations of a number of buildings and protected structures on the site including Brooklawn (RPS Ref.: 8789), Richmond House (RPS Ref.: 8788), the Laundry building and Rose Cottage.

The application includes an EIAR and a NIS.

2.1.1. Development Parameters:

Proposed Development	
Application Site Area	<ul style="list-style-type: none"> • Overall Application Site Area: 9.46 hectares • Land in applicant's ownership: 8.71 hectares • Residential Site Area: 6.04 ha • Hospital Site Area: 2.67 ha
No. Units	811 no. residential units (including 494 no. standard designed apartments and 317 no. BTR units) 73 no. beds in a new hospital building, providing mental health services

Demolition	The proposal includes the demolition of existing structures on site with a GFA of 5,872 sq.m, including the (1) westernmost range of the hospital building, which includes St. Teresa's and the Freeman Wing, (2) extensions to the south and north of the main hospital building, including the conservatory extension, toilet block extension, an external corridor, toilet core, lift core, and stair core (which are all part of / within the curtilage of RPS Ref.: 2032), (3) hospital buildings and outbuildings located to the north of the existing main hospital building, (4) St. Joseph's Adolescent School building located in the southeast of the site, (5) Crannog Day Hospital building located in the southwest of the site, and (6) extensions to the Laundry building and Rose Cottage.
Residential Density	<ul style="list-style-type: none"> Residential Net density: 182.66 dwellings per hectare (811/4.44 ha). Based on residential site area excluding public open space and hospital site Gross density: 134 dwellings per hectare (811/6.04 ha). Based on total residential site (6.04 ha). Net density based on total site area (excluding public open space): 114 dwellings per hectare (811/7.11 ha)
Plot Ratio	<p>- Total Site: 0.985 (total site based on land in applicant's ownership)</p> <p>- Hospital Site: 0.314 (based 8,411 sq.m / 2.67 ha)</p> <p>- Residential Site: 1.25 (based on 75,261 sq.m / 6.04 ha)</p>
Site Coverage	- Total Site: 21.6%
Public and Communal Open Space	<p>Provided for the residential site area (6.04 ha):</p> <p>- Z12 Zoned Area – 3.74 Ha</p>
	<p>Public Open Space Area Required (25%) 0.935 Ha Public Open Area Provided (25.8%) 0.965 Ha - Z15 Zoned Area – 2.29 Ha Public Open Area Required (25%) 0.573 Ha Public Open Area Provided (28.3%) 0.65Ha</p> <p>Total Site Public Open Area Required (25%) 1.51 Ha Total Site Public Open Area provided (26.2%) 1.6 Ha</p> <p>- 5,645 sq.m external communal open space</p>
Car Parking	<p>Hospital – 76 no. spaces (72 spaces + 4 disabled parking spaces)</p> <p>Residential - 247 no. spaces (0.3 per unit) (240 no. spaces in basement + 7 no. spaces at surface level) (7 no. car club spaces identified in the basement)</p> <p>Commercial/community – 9 no. spaces (surface level)</p> <p>Total – 329 no. spaces</p> <p>124 no. EV spaces for the residential development, 39 no. EV spaces for the new hospital building and 4 no. EV spaces for the commercial and community uses.</p>
Cycle Parking	<p>Hospital – 50 no. spaces, including 42 no. long stay spaces (85 staff) and 8 short stay spaces (73 beds).</p> <p>Residential - 1,680 no. cycle spaces, including 1,274 no. long stay and 406 no. visitor spaces. 947 no. cycle spaces (including cargo and electric) are located within cycle stores at basement level and 733 no. spaces at surface level.</p> <p>Commercial/community uses – 84 no. spaces at surface level</p>

2.1.2. Residential Parameters:

Proposed Development			
Application Site Area	<ul style="list-style-type: none"> • Overall Application Site Area: 9.46 hectares • Land in applicant's ownership: 8.71 hectares • Residential Site Area: 6.04 ha • Net Residential Area: 4.44 ha 		
No. Units	811 no. units including 494 no. Standard Design Apartments (SDA) and 317 no. Build to Rent (BTR) units		
Demolition	GFA to be demolished- 2,641.6 sq.m		
Mix	SDA – 10 studios (2%) 236 1 beds (48%) 199 2 beds (40%) 49 3 beds (10%) Total= 494 (61%)	BTR- 8 studios (2.5%) 151 1 beds (48%) 150 2 beds (47%) 8 3 beds (2.5%) Total= 317 (39%)	Total 18 studios (2%) 387 1 beds (48%) 349 2 beds (43%) 57 3 beds (7%)
Part V Units	174 (21.45%)		
Plot Ratio	1.25 (based on 75,261 sq.m / 6.04 ha)		
Site Coverage	21.6% Residential		
Accessibility	Central and/or Accessible Urban Location. The site is within reasonable proximity to the city centre and easy walking distance to high quality public transport corridors and stops, two third-level institutes, contains an existing / proposed hospital facility and is located in proximity to a range of employment uses		
Density	<ul style="list-style-type: none"> • Residential Net density: 182.66 dwellings per hectare (811/4.44 ha). Based on residential site area excluding public open space and hospital site. • Gross density: 134 dwellings per hectare (811/6.04 ha). Based on total residential site (6.04 ha). • Net density based on total site area (excluding public open space: 114 dwellings per hectare (811/7.11 ha) • 		
Building Heights	Block A – Part 2 to 7 storeys Block B – 8 storeys Block C – Part 6 to 7 storeys over part lower ground / basement level Block D-E – Part 5 to 13 storeys over basement Block F – Part 4 to 9 storeys Block G – Part 4 to 9 storeys Block H – 5 storeys Block J – 4 storeys Block K - Existing part 3 to 4 storey protected structure and adjoining older buildings Block L - Part 4 to 6 storeys Max height 47.15m (Block D-E)		
Dual Aspect	54% (436 units) No north-facing single aspect apartments		
Car Parking	247 (0.3 per unit)		
Cycle Parking	Residential - 1,680 no. cycle spaces including 1,274 no. long stay and 406 no. visitor spaces. 947 no. cycle spaces (including cargo and electric spaces) at basement level and 733 no. spaces at surface level (bike stores and Sheffield stands).		

Motorcycle Parking	13 no. for the residential development
Storage and Private Amenity Space	Apartment storage complies with Apartment Guidelines 2020 / 2022 – confirmed in STW HQA and Area Schedule document.
Minimum floor areas	Minimum floor areas in apartments complies with Apartment Guidelines 2020 / 2022 – confirmed in STW HQA and Area Schedule document
Floor to ceiling height	2.7m at ground floor Minimum 2.4m at upper levels
Apartments per floor per core	The maximum permitted number of apartments per floor per core is 12 for Standard Design Apartments (approx. 61% of this development). The ratio in this development varies from 6 to 12 units/core/floor. In the BTR element of the scheme (approx. 39% of all apartments) the ratio ranges from 7 to 16.
Commercial/Community Uses + Resident Support Amenities and Facilities	Total= 4,781.5 sq.m Total resident's services and amenities – 1,264.4 sq.m Gym, creche, co-working, library, community hall in Block K = 3,412 sq.m
Public and Communal Open Space	5,645 sq.m external communal open space
Children's Play Area	420 sq.m of Natural Play Area

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.
- Community and Social Audit.
- Housing Quality Assessment.
- BTR Justification Report
- Architectural Design Statement.
- Architectural Conservation Report
- Building Life Cycle
- Engineering Reports
- DMURS Compliance Statement
- Mobility Management Plan
- Transport Capacity Study
- Traffic Impact Assessment and Stage 1 Road Safety Audit

- Flood Risk Assessment
- Outline Demolition Method Statement
- Landscape Strategy and Design Statement.
- Tree Survey
- Arboricultural drawings
- Appropriate Assessment Screening
- Natural Impact Statement
- Climate Action Energy Statement Report
- Daylight and Sunlight Analysis
- Mixed Use Development Operation Management Plan
- Site lighting Report
- St. Vincents Hospital Business and Operational Plan
- Telecommunications Report
- Wind Analysis and Pedestrian Comfort.

3.0 Planning Authority Pre-Application Opinion

A section 32 Consultation Meeting took place on the 18th of November 2022 with representatives of the applicant and planning authority in attendance.

A Large-Scale Residential Development (LRD) Opinion issued on the 15th of December 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. Zoning – Principle of Development
2. Dublin City Development Plan 2022-2028
3. Design Strategy and Height
4. Residential Amenity

5. Conservation
6. Open Space and Biodiversity
7. Drainage
8. Traffic and Transportation
9. Archaeology

4.0 Planning Authority Decision

Decision

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

4.1. Planning Authority Reports

4.1.1. Planning Reports

Planner Report (30th May 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 recommendation within the report of the Planning Officer reflects the decision of the Planning Authority and can be summarised as follows:

Principle and Density

The proposed development is consistent with the Z1, Z12 and Z15 land-use zoning objectives for the site, as contained in the Dublin City Development Plan 2022-2028 having regard to the continued use of the institutional setting within the subject site in addition to the reuse and refurbishment of existing protected structures within the site and the achievement of the requisite required public open space across the site.

Design, Integration & Height

Generally, the arrangement of blocks and the hospital facility reflect high quality robust finishes and detailing interspersed with quality communal and public open space.

The development plan does not provide prescriptive height limits but reflects national guidance.

Appendix 3 of the CDP outlines criteria for assessing height.

The Notice of LRD opinion outlines that in order to justify the height and density proposed it will be critical to demonstrate that the proposed 'central park' will function as a public open space and the pedestrian routes and connectivity through the site will be delivered.

Noting the connections proposed and notwithstanding the failure to reach agreement with An Post re. access onto Lomond Avenue, on balance, the proposal is considered consistent with the LRD Opinion.

While generally the overall height of the development is acceptable, referencing Policy SC18 and Appendix 3 of the CDP the report sets out that Block D-E should be reduced from 13 to 11 storeys limiting the habitable elements of the block to 10 storeys.

Built Heritage/Conservation

The report notes the contents of the report from the Conservation section of DCC.

Demolition works regrettable but accepted on balance.

Block L to be reduced in height so as the eaves level is no higher than Protected Structure this shall be achieved the omission of level 05.

Apartment Development Standards

No concerns raised regarding unit mix.

54% dual aspects meet requirements of SPPR4.

Floor to ceiling heights accords with SPPR5.

Units per core comply with SPPR6.

The BTR element of the development complies with SPPR 7 and SPPR 8

Storage provision within each unit acceptable.

Scheme represents compliance with open space requirements.

Measures to address balcony privacy highlighted.

Referencing QHSN40-Build to Rent Accommodation of the CDP the report notes that the policy would make provision for the current proposals in terms of the terminology used.

Amenity of Proposed Development & Surrounding Area

Open Space provision meets the requirements of Z12 (min 25%) and Z15 (min 25%)

Daylight & Sunlight Impacts in accordance with relevant guidance set out in Appendix 16 of the CDP.

Overlook, Privacy and Overbearing deemed acceptable subject to reduced height of Block D-E and L.

Climate Action

As stated in the EIAR the development will comply with required standards including the Nearly Zero Energy Building (NZEB) Standard and Part L 2021.

Micro-Climate, Solar Glare/Dazzle

Microclimate Wind analysis conducted and deemed acceptable.

Potential Light Pollution

Site lighting designed to achieve the performance requirements required.

Part V

Subject to condition

Social Audit

The planning authority is satisfied based on report submitted that the applicant has met the requirements for the social audit under section 15.8.2 of the CDP and that there will be sufficient social, community and cultural facilities within the development and the wider area.

Childcare

The proposed provision of a childcare facility with 77 spaces is considered acceptable in light of the wider provision in the surrounding area.

Open Space & Biodiversity

Reports notes that the Biodiversity and Landscape Services Section raised no objection to the development subject to conditions.

Traffic /Access/parking

Car parking provision set out, proximity too public transport, provision of pedestrian and cycle connections noted and accepted.

Notes the Traffic Impact Assessment examines the potential impact of the development and reports that the potential capacity issued identified are not caused by the proposed development and therefore no mitigation measures are employed.

Archaeology Potential

Noted report from Councils Archaeology Section setting out full Archaeological Assessment required to be addressed by condition.

Drainage

Acceptable subject to conditions

EIAR

The findings of the EIAR are acknowledged and it is considered that the impact associated with the proposed development have been largely assessed.

Compliance with mitigation measures to be addressed by conditions.

AA/NIS

On the basis on the material submitted in the NIS, the PA considered that the project either alone or in combination with other plans or projects, in view of best significant knowledge and in view of the site's features and conservation objectives, will not adversely affect the integrity of the European sites.

The planning authority concluded having regard to the established pattern of development and the relevant provisions of the development pan subject to compliance with the conditions set out, it is considered that the proposed development would be consistent 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. 4.** Refers to amendments:

The development hereby approved shall incorporate the following amendments:
a) Block D-E shall have a maximum height of eleven storeys. This shall be achieved by the omission of levels 10 and 11., b) Block L shall have a maximum height of five storeys...

- **No. 6.** Set out that the (303 no. units in Blocks D-E and F) shall be for Build to Rent units which shall operate in accordance with the definition of Build to Rent developments.
- **No. 16 (i)** Where above-ground floor balconies occur in close proximity within 3.5m of each other, but are not necessarily adjacent, one or the other of these types of balconies shall be treated with a 1.8m high style screen.
- **No. 16, 17 & 18** relates to childcare facility.
- **No. 19** stipulates: - (i) The cafes, retail unit, and gym hereby approved shall be fully fitted out and suitable for immediate occupation and operation prior to the first occupation of the residential units hereby approved. (ii) All residential amenity floorspace and supporting services shall be ready and available for immediate use prior to first occupation of any residential block.
- **No. 23** sets out that the retail unit shall be used solely as Shop as set out under the Planning & Development Regulations 2001 (as amended) Part 4 Article 10 Class 1. Any café use shall be fully ancillary to the operation of the shop, any takeaway component shall not be for sale of hot food for consumption off the premises.
- **No. 25** states - No additional floodlights to play/recreational areas shall be erected without a separate grant of planning permission.
- **No. 26** Re: Waste Management Requirements
- **No. 30** Re: requirements to comply with Codes of Practice from the Drainage Division, the Transportation Planning Division and the Noise and Air Pollution Section.
- **No 32** compliance with the mitigation measures and monitoring commitments identified in the Environmental Impact Assessment Report, and other plans and particulars submitted with the application shall be carried out in full except as

may otherwise be required in order to comply with other conditions. Prior to the commencement of development, the developer shall submit a schedule of mitigation measures and monitoring commitments identified in the Environmental Impact Assessment Report, and details of a time schedule for implementation of the mitigation measures and associated monitoring, to the planning authority for written agreement.

- **No. 34** Re: landscaping
- **No. 35** Re: External Artwork to be procured by a design brief by a design brief with a limited competition between 6 artists selected from a panel.
- **No. 30** Re: requirement for public artwork.
- **No. 36.** Re: requirement to retain the professional services of a qualified Arboriculturist.
- **No. 37** relates to biodiversity mitigation and monitoring shall be carried out in accordance with the submitted Natura Impact Statement and Environmental Impact Assessment
- **No. 38** Re: Roads and Traffic Requirements
- **No. 39** Re: requirements of Drainage Division
- **No. 40** Re: requirements of Irish Water (Uisce Eireann)
- **No. 41** Re: archaeology requirements
- **No. 42** Re: Conservation requirements
- **No. 43** Relates to the submission by the owner a proposed covenant or legal agreement binding on it and its successors confirming, for a minimum term of 15 years after the first occupational letting in the development:(a) no separate sales or equivalent disposals of any individual residential units shall take place; (b) the residential development shall be owned and operated by a single institutional entity.

4.2. Other Technical Reports

Internal departmental reports:

Transportation Planning Division (19th May 2023). No objection subject to conditions.

Engineering Department - Drainage Division (No date on report). No objection subject to conditions.

Parks, Biodiversity & Landscape Service (10th May 2023). No objection subject to conditions to include a Biodiversity mitigation and monitoring in accordance with the EIAR and NIS submitted.

Conservation Officer (22nd May 2023). The report addresses the Chapel, Richmond Convent, Convent Extensions and Hospital Extension, the Hospital Building. No objection subject to conditions

Archaeology Section (23rd May 2023). No objection subject to conditions. Including the preservation in-situ and conservation of the demesne wall associated with Drumcondra Castle (CHO1) and the ruined outbuilding associated with Richmond House (CH 02).

4.3. Prescribed Bodies

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

Transport Infrastructure Ireland (TII) (28th April 2023). No observations.

National Transport Authority (NTA) (10th May 2023), no objection. Recommendations noted.

Uisce Eireann (formerly Irish Water) No objection

4.4. Third Party Observations

The PA in their assessment state over 50 valid observations were made. These include submission from local residents, local resident groups, local sports club and elected representative.

Issues raised in the submissions included inter alia the following:

- Compliance with zoning objectives for the site
- Lack of consultation
- Need for a Local Area Plan

- Concerns regarding design and layout - scale, height, mass and density proposed.
- Impact on established amenities – overdevelopment, overshadowing, overlooking and loss of privacy
- Visual Impact
- Sunlight and Daylight implications
- Impact on the character of the area
- The area does not have the services and amenities to cope with increased population
- Concerns regarding BTR at this location
- Need to prioritise Part V provision early
- Concerns regarding the impact of Protected Structures
- Concerns regarding traffic and car parking provision and public transport capacity
- Capacity of adjoining network to cope with increased traffic
- Construction Impacts
- Concerns regarding permeability links and the need to deliver a line onto Inverness Road
- Loss of trees and green space in the city
- Need to enhance trees/screening
- Concerns regarding wind tunnel effect
- Environmental concerns, Flood risk, capacity of infrastructure - water and wastewater

5.0 Planning History

Site

DCC Reg. Ref.: 4147/09 – Permission granted on 26th January 2010 for the removal of 1 no. parking space and the provision of a standby electrical generator and surrounding fence beside the existing ESB substation along an access road to the south west of St. Vincent's Hospital, a protected structure ref. no. 2058.

DCC Reg. Ref.: 2183/94 - Permission granted 23rd March 1995 for construction of a single storey glazed conservatory extension to the existing dining area of St. Vincent's

Hospital.

DCC Reg. Ref.: 2185/91 – Permission granted on 29th January 1992 for construction of a single storey 40 bed acute unit an E.S.B. Sub-station and a water storage tank in the hospital grounds of St. Vincent's Hospital, Fairview.

Northwest of the site

DCC 5386/22 – Permission granted on 26th June 2023 for Retention Permission and Permission for development at St. Joseph's, Grace Park Road, Drumcondra, Dublin 9 (permitted under Reg. Ref. 2991/15 and An Bord Pleanála Ref PL29N.245745), a residential development which is now almost complete and known as Grace Park Wood. The constructed revisions for which Retention Permission is sought relate to the public park at the entrance to Grace Park Wood and comprise of minor revision. Permission relates to finishes to public park at Grace Park Wood, St. Joseph's, Grace Park Road, Drumcondra, Dublin 9

DCC Reg. Ref.: 2991/15/ABP PL29N.245745 – Permission granted on 2nd March 2016 for 125 no. houses and 41 no. apartment units in 4 no. residential blocks, a creche, car and cycle parking and a public park on lands at St. Joseph's Centre, Gracepark Road, Dublin 9.

DCC Reg. Ref.: 3133/19 - Permission granted on 12th September 2019 for the completion and retention of works consisting of change of house types on Plot No. 45 and Plot No. 46 on lands at St. Joseph's Centre, Gracepark Road, Dublin 9.

Southwest of the site

LRD 6006/23-S3/ ABP 317136-23 – Permission sought by Malkey Limited for the construction of 133 apartments and all associated site works at 158A, The former Leydens Wholesalers & Distributors, Richmond Road, Dublin 3, D03 YK12

SHD ABP Ref.: 310860-21 – Permission granted for the construction of a residential development in 12 no. residential blocks, ranging in height from 2 to 18 storeys to accommodate 1,614 no. Build to Rent apartments with associated residential tenant amenity, 1 no. retail unit, 1 no. café, and a crèche at Clonliffe Road Holy Cross College, Clonliffe Road, Dublin 3 and Drumcondra Road Lower, Drumcondra, Dublin 9. **This decision was subsequently quashed by the High Court**

Southeast of the site

DCC Reg. Ref.: 3143/22 – Permission refused permission on 21st March 2022 for a student accommodation development consisting of the demolition of the existing single-storey warehouse structure, and other structures, and the construction of an apartment development of 2 no. six storey blocks with a total of 18 no. student accommodation apartments on a site at Convent Avenue, Dublin 3. The site is located to the south of the proposed new hospital building.

The decision to refuse was subject to 2 no. reasons. The first reason for refusal was that the proposal would detract from the visual amenities of the area due to its height, scale and massing and detract from the residential amenities of existing residents and potential occupants through overbearing and overlooking impacts.

The second reason for refusal related to insufficient quantum of appropriate and usable indoor and outdoor communal and recreational facilities to serve the student accommodation development.

The decision was subject to a first party appeal to ABP; however, the appeal was withdrawn.

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.

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').
- Architectural Heritage Protection Guidelines for Planning Authorities Department of Arts, Heritage, Gaeltacht 2011
- Childcare Facilities – Guidelines for Planning Authorities (2001)

- Framework and Principles for the Protection of the Archaeological Heritage Department of Arts, Heritage, Gaeltacht and the Islands 1999.
- Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities’, 2007.
- 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. Other

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 appeal site is subject to three different land use zonings, namely:

- Z1 – Sustainable Residential Neighbourhoods with a stated objective ‘*to protect, provide and improve residential amenities*’.
- 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*’.

- Z15 - Community and Social Infrastructure' with a stated objective '*to protect and provide for community uses and social infrastructure*'.
- The application site also includes an area of the public road / footpaths (extending for approximately 0.8km) to facilitate service connections via Griffith Court, Philipsburg Avenue and Griffith Avenue, which is unzoned land as per Section 14.3.2 of the Development Plan. The infrastructure works proposed on these lands are consistent with the established use / role of these public lands and accord with the policies and objectives of the plan and are necessary to facilitate the delivery of the proposed development.

The land use zoning map indicates that the southern portion of the site includes a recorded monument, the site of a castle DU018-017. The zone of notification for this monument encloses a large portion of the southern extent of the proposed development area.

The main policies /objectives are set out below. This is not an exhaustive list and should not be read as such. 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 11 Built Heritage and Archaeology

- Supports retaining existing buildings and enhance their energy performance in keeping with best building conservation principles.
- Supports operation with other agencies in the investigation of climate change on the fabric of historic buildings.

- Supports the implementation of the Community Monuments Fund in order to ensure the monitoring and adaptation of archaeological monuments and mitigate against damage caused by climate change.
- BHA 2 – (Development of Protected Structure), BHA11(Rehabilitation and Reuse of Existing Older Buildings).

Under housing policy QHSN2 of the Development Plan, the Planning Authority will have regard to various Ministerial Guidelines, a number of which are listed in Section 6.1 above. Policy QHSN10 of the Development Plan promotes sustainable densities with due consideration for design standards and the surrounding character. Further guidance regarding urban density is set out in Development Plan appendix 3 - Achieving Sustainable Compact Growth: Policy for Density and Building Height in the City. Indicative plot ratios and site coverage percentages are listed in table 2 of this appendix. The Development Plan includes a host of policies addressing and promoting apartment developments, including policies QHSN36, QHSN37, QHSN38 and QHSN39.

Policies SC15 to SC17 inclusive in section 4.5.4 of the Development Plan, set out the Planning Authority's strategy and criteria when considering appropriate building heights, including reference to the performance-based criteria contained in the aforementioned appendix 3 to the Development Plan. Policies CUO25 and CUO31 of the Development Plan set out the Planning Authority's approach with regards community, artist and cultural spaces, including provision for same in large-scale developments and communities -CUO25 (SDRAs and Large-Scale Developments), CUO31 (Artist Workspaces)

Other relevant sections of the Development Plan include:

Section 4.5.2 - Approach to the Inner Suburbs and Outer City as Part of the Metropolitan Area (policy SC8);

Section 4.5.3 – Urban Density (policies SC10, SC11, SC12 and SC13);

Section 4.5.9 – Urban Design & Architecture (policies SC19, SC20, SC21, SC22 and SC23);

Section 5.5.2 Regeneration, Compact Growth and Densification (policies QHSN6 Urban Consolidation, QHSN9 Active Land Management, QHSN10 Urban Density)

Section 8.5.1 - Addressing Climate Change through Sustainable Mobility;

Section 9.5.1 – Water Supply and Wastewater;

Section 9.5.3 – Flood Management;

Section 9.5.4 – Surface Water Management and Sustainable Drainage Systems (SuDS);

Chapter 15 contains Development Standards

Section 15.4 – Key Design Principles;

Section 15.5 – Site Characteristics and Design Parameters;

Section 15.8 - Residential Development;

Section 15.9 – Apartment 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

7.1. Grounds of Appeal – First Party

A first-party appeal has been lodged only against condition no.19, 42 and 43 attached to the Planning Authority's notification of a decision to grant planning permission for the proposed development. The following grounds of appeal are raised:

Condition No. 19

- It is set out that the application included an indicative phasing programme

development as the design progressed, set out as follows:

- Phase 1 – Construction new hospital, while the full access is maintained to the existing hospital facilities for patients and staff, and including works to Richmond House, Brooklawn, Laundry building and Rose Cottage.
 - Phase 1A: Construction of residential development of Blocks B, C, D,E,F and G on the Z12 lands.
 - Phase 1B: Construction residential development Block A and new welcome Gardens to Richmond Road.
 - Phase 2: Decant all medical functions into the new buildings,
 - Phase 2A: Demolition of former hospital buildings, refurbish retained Historic Structures, Buildings J, H and L, Complete Public Park north of historic buildings and link to Griffith Court via the Community Unit.
- The appeal requests the Board to revise the wording of condition no. 19 to reflect the phasing programme which requires the construction of the new hospital to be completed in Phase 1.
 - Works to St. Vincents Hospital to provide for part of the proposed commercial, community and residential amenity floorspace, cannot be facilitated until all medical functions are transferred to the new hospital and works complete under Phase 1.
 - The revised wording allows for the occupation of residential units and amenity on Phases 1A and 1B in advance of the completion of St. Vincents (Phase 2).
 - Regarding implications for the BTR it is submitted that the resident support and amenities in Phases 1A and 1B is suitable for the BTR units, having regard to the provision in other schemes, the quantum of additional resident services and amenities to be delivered in Phase 2A and the range of other community and commercial uses proposed.
 - Phases 1A and 1B will be occupied before 2A is complete and it is not considered reasonable to delay the occupation of these units until Phase 2 and 2A is complete which will follow after the completion of Phases 1A and 1B, as the Café (Block F), retail units (Block A) and residential amenity floorspace in

Block's C,D,E,F and G are included in Phase 1A and 1B.

Condition No. 42

- The appeal relates to the wording at the is beginning of Condition no. 42 and request the Board to omit reference to '*prior to commencement of any development on site*'. The appeal does not relate to sub-sections (a) – (L).
- It is argued that it is not possible to provide relevant details of St. Vincents Hospital building prior to commencement of any development while still occupied and in medical use, as this will likely require further investigation of building interiors etc.
- It is possible to provide details in relation to Brooklawn (RPS.:8789), Richmond House (RPS Ref.: 8788), Laundry Building and Rose Cottage in advance of Phase 1 development commencing as these structures from part of Phase 1.
- It is only possible to provide details relating to St. Vincents Hospital old house/convent (RPS.:2032) prior to Phase 2A commencing, once the medical functions have been transferred to the new hospital.
- The amendment to the condition is of utmost importance to ensure that the phased relocation of hospital functions can take place in an orderly and appropriate manner.

Condition No. 43

- The appeal requests the Board omit Condition No. 43 as the requirements for a BTR covenant and agreement is addressed under condition No. 7 of the PA's notification, and it would appear condition No. 43 has been attached in error and is superfluous.

7.2. Grounds of Appeal – Third Parties

Five third party appeals have been received in respect of Dublin City Council's recommended decision to grant permission. 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.

7.2.1. Appeal no. 1 by Ierne Social & Sports Club C/o Catherine Lally

The grounds of appeal are summarised as follows:

- Concern with the principle of the design and Block DE in particular. Similar approach to Clonliffe College suggested whereby the landmark structure was centrally located with other blocks tapered off towards the boundaries.
- The lands are zoned for amenity but that should not give cause to any adjoining landowner to ignore the club's existence and attempt to claim this property for the visual benefit of future apartment dwellers.
- The 13 Storey Block DE (11 as per DCC recommendation) would be overwhelming and incongruous from a visual aspect. 8 storeys is the maximum approved to date in the surrounding area.
- Location of Block DE (13 storeys, now 11) close to boundary will have a horrendously overwhelming visual effect on the sports ground and will deprive several of the green on the Pitch and Putt course of sunlight.
- Request to relocate the Block away from the shared boundary and revise elements of the design.
- Concerns that members with children/young teenagers will be overlooked by apartments. Reference to Directives and Guidance from the Dept. of Children.
- Request for the developer to provide a new 8/9ft block wall with 8/10ft rigid fencing on top with another 12ft of lighter mesh on top again.
- Concerns that development works would impact the well serving the Pitch and Putt Sprinklers, Lawn Bowling Green and tennis courts.
- Concerns regarding the impact on local wildlife noting proposals to develop much of the former institutional lands in the area.
- Soil from the development of an All-weather pitch was put onto the St. Vincents site and never spread resulting in a 6/8/10ft increase in ground level, construction level should be at the equivalent level on both sides.
- Concerns about future flood risk. Much of the institutional lands to the north acted as flood retention area in the past
- Concerns regarding construction period
- Measures needed to control rats.
- Concerns about the location of the designated smoking area for Block DE and rubbish storage and retention.

7.2.2. Appeal no. 2 by Brian Delaney, 18 Grace Park Grove, Grace Park Wood, Drumcondra

The grounds of appeal are summarised as follows:

- Disingenuous of the applicant to push the development further north towards adjoining low-rise housing at Grace Park wood after community engagement.
- Inconsistencies in the drawings regarding the proposed green buffer. The green buffer originally proposed was much more generous.
- Increase set back of Block F by an additional ca. 10m from the northern site boundary.
- Further set back and additional tree planting would mitigate the impact of Block F and further ameliorate potential overshadowing from the proposed new treeline upon which the sheer scale, volume and orientation of Block F, with its north facing apartment windows, is evidently dependent.
- DCC raised the issue of the impact of Block F, the applicant's response was brief and factually incorrect, 20m minimum set back claimed, would not be overbearing and not constitute an unreasonable imposition on residential amenity.
- The VIA and EIAR calls the long-term significant impact on 18 Grace Park as being 'Significant Negative' and requires further mitigation.
- Request for an increase in set back of Block F to a minimum of 25m.
- Query if Adolescent Services associated with the hospital is moving 'off site' and if the proposed development is a "false dawn for improved mental health services in the area".

7.2.3. Appeal no. 3 by Martin Kirk, 165 Richmond Road, Dublin 3.

The grounds of appeal are summarised as follows:

Non-compliance with zoning

- The applicant has not demonstrated as required in the CDP that the residential/commercial development is required on the Z15 zoned lands.
- The application has not demonstrated the 'Highly exceptional circumstances' required to facilitate residential/commercial development on the site.

- St Vincent's Hospital Business and Operational Plan states that the '*entire value of the land will be used to deliver the new hospital*'.
- In the interest of transparency full information should be submitted

Negative Impact on Residential Amenity

- Scale of the development is injurious to residential amenities of properties in the vicinity by way of overlooking and overbearing, in particular, properties on Richmond Road.
- It is considered the applicant has not demonstrated that the amenities of properties to the southwest of the site will not be unduly affected.
- Notwithstanding the reduction in the height of DE, the height and scale would be seriously injurious to the amenities and depreciate the value of property in the area.

Inadequate Residential Parking Provision

- 247 car parking spaces for 811 units is contrary to Volume 2 Appendix 5 of the CDP. The maximum parking requirements under this Zone (Zone 2) is 1 space per residential apartments.
- No assessment of the lack of car parking has been made.
- Notes the NTA has raised concerns with regards to parking which will give rise to traffic hazard, traffic congestion and well as haphazard and disorderly parking.

Insufficient Connectivity

- It is set out that the applicant was required to address connectivity as part of the LRD Opinion issued by DCC.
- The needs for legally binding pedestrian connections in order to justify the heights and densities proposed has not been provided.
- The lack of an access to the east of the site is a fundamental issue.

Negative Impact on Conservation

Architectural Conservation –

- Contents of DCC Conservation officer report noted.
- A condition to reduce the height of Block L as recommend by the Conservation section has not been included in the recommendation to grant and no justification has been provided in the planners' report.
- Concerns around visual impact of the scheme

Archaeological -

- Clear for the DCC Archaeological report and conditions attached that the information submitted is not satisfactory.

Ecological -

- Concerns about the extent of tree removal at 44% and the DCC Parks report noting that the scheme should have been designed to protect Tree 1792, a veteran London Plane.

Planning History

- Reference made to DCC Reg. Ref. 3388/04/ABP PL 29N 211769 refusal which noted the sensitivity of the St. Vincents site.

7.2.4. Appeal no. 4 Kieran O'Malley & Co. Ltd. On behalf of the Hogan View Management Company CLG.

The grounds of appeal are summarised as follows:

- Hogan View will be located between the residential vehicular access and the access to the institutional portion of the site.
- Serious concerns about the impact of construction traffic.
- Content of CEMP including:
 - 48-60 months construction period
 - all vehicular access/egress via Richmond Road with a total of nearly 500 daily trips half are HGV's.
 - Hours of operation
- Richmond Road is a relatively narrow road. Notwithstanding any mitigation implemented the project will create five years of construction related disturbance for the residents of Hogan View.
- Developers' failure to properly identify potential impact upon residential property at Richmond Road. Five years of construction traffic is not 'temporary'.
- It is suggested that HGV construction traffic should be restricted to accessing the development site from the west along Richmond Road.
- The lifetime of the permission should not exceed 7 years.

7.2.5. Appeal no. 5 Michael Halligan Planning Consultant on behalf on Michael Callanan 1 Grace Park Close, Anne Cowley 23 Inverness Road, Tony Murray 47 Griffith Court, Fairview, Donal O’Brolcain 100 Griffith Avenue, Drumcondra and Marie Tarsouli 14 Lomond Avenue, Fairview.

The grounds of appeal are summarised as follows:

Principle of Development

- Zoning noted however the minimum compliance with CDP standards chosen to maximum profitability.
- Road infrastructure grossly deficient
- Proposal premature pending the completion of a statutory Local Area Plan /Action Plane for the area. Reference to Richmond Road Area Action Plan 2007.
- Tenure not conducive to sustainable development.
- The issue of drainage flooding referenced.

Visual Amenity/Building Height

- The development should be refused or substantially reduced in scale to protect neighbouring properties and the skyline/streetscape as it would materially conflict with SC16, 17 and 18 of the CDP as they relate to building height and landmark structures.
- Impact of height particularly felt by residents of Grace Park Wood. Referencing CGI’s submitted a part of the application it is set out that consideration must be given to the fact that these were taken using a wide angle lens making the background appeal less imposing,
- The stepped design does not negate the obtrusive overbearing impact of Blocks DE, F and G from Grace Park Wood or Griffith Court.
- The reduction in height of Block DE by two storeys does not reduce the visual impact on the streetscape or wider area.
- Proposed buildings be reason of height would be contrary to CDP guiding principles.

Overdevelopment

- The proposed overdevelopment of the site is evident by the negative impact on residential amenity.

Traffic/ Parking

- Insufficient car parking provision which will inevitably to overspill onto surrounding residential roads already at capacity.
- Concerns about pedestrian and cycle connection to Griffith Court

Sunlight/Daylight & Shadowing

- No 1 Grace Park Close and 18 & 30 Grace Park Grove and 17 Inverness Road do not pass criterion 1 of the VSC Daylight results. Regarding 30 Grace Park Grove it is set out that the VSC value prior to development is 23.5% and that this will not change as a result of the development.
- A number of units fail APSH criteria 2 and 3.
- Shadowing diagrams not very informative and difficult to assess the impact. Any adverse impact on sunlight /daylight accessibility of the private garden area of residents will have an effect of the enjoyment of the space.

Overlooking/Overbearing

- Notwithstanding building height reduction DE the appellants properties will continue to be overlooked. There will also be a perception of being overlooked which will diminish the reasonable residential amenities of neighbouring properties, particularly rear gardens.
- The massing and scale present an overbearing aspect, the stepping back does not mitigate the overbearing aspects.

Proximity of Block F to Grace Park Wood with no. 1 Grace Park Close and 18 Grace Park Grove particularly impacted.

Open Space

- Z12 zoning requires retention of 20% of the open character of the lands. The retained open space will be overshadowed by the overall mass of Block DE. The mass will also detract from the visual amenity.

- Z15 zoning requires the retention of the institutional use in addition to a contribution to the development of a strategic green network. Largest portion of green space retained in on the hospital land and is not publicly accessible.
- The remaining open space is narrow and constrained.

Residential Amenity

- Blocks are overbearing and visually intrusive with negative impacts on No. 47 Griffith Court and residents of Grace Park Woods due to the proximity of proposed allotments.
- There is no management plan for the allotments.
- Concerns that the area could become a gathering space resulting in antisocial behaviour.
- If the allotments not developed what is the alternative plan
- No plans for boundary treatment along rear gardens of no's 48 to 54 Griffith Court
- Concerns the activity track will reduce space for turning circle for the Fairview Community Centre.
- Block L will have a negative visual impact on Lomond Avenue, not mitigated by height reduction and tree screening uses in the drawings are aspirational.
- Sufficient justification has not been provided for Block L on the institutional zoned lands.
- Concerns raised about the impact of a pedestrian and cycle route from the site onto Lomond Avenue. Any further car parking removed would put pressure on existing residents.

Devaluation of Property

For reasons set out above it is argued that the development would devalue residential property in the vicinity.

Conclusion

The development constitutes overdevelopment of this back land site, would detract from visual and residential amenities including Protected Structures, would be excessive in

height resulting in overshadowing and overlooking of adjacent properties. The development would materially contravene development plan objectives including zoning and would be contrary to proper planning and sustainable development.

7.3. First Party Response to Third Party Appeals

The applicants submitted response accepts the revision to the scheme and set out in condition no. 4 of the Notification. Updated elevations and sections for illustrative purposes have been submitted with respect to the omission of storeys from Blocks DE and Block L.

Contents of Planner's report set out and appeal reiterated.

The response addresses the grounds of appeal raised by the third-party appellants as follows:

Principle of development and compliance with the zoning objectives

- Section 6.1.2.2 of the Planning Report and Statement of Consistency provides a detailed assessment of the consistency of the proposed development with Z15 – Community and Social Infrastructure zoning objective.
- The Business Plan and Operational Management Plan prepared by St. Vincent's Hospital submitted with the application outlines that the development will provide for the construction of a new mental health hospital to replace the current inadequate facilities and will be located on the Z12 – Institution Lands and part of the Z15 lands.
- The supporting residential development is required to fund the new hospital facility.
- The new hospital will remain the primary institutional/community use on the Z15 zoned lands.
- The application also includes the reuse of existing protected structures and historic buildings on the Z15 lands for hospital, community, commercial and ancillary residential uses.
- It is submitted that the development has regard to the Z1 and Z2 neighbouring properties where the siting of the new two-storey hospital, layout and orientation

of the proposed blocks and the stepped approach to building heights to avoid abrupt transition in scale whilst achieving overall density (183uph or 177uph taking account of Condition No. 4 of DCC notification), which acknowledge the changing context in this inner suburban location , close to public transport.

- In response to issues raised in third party appeals, it is submitted that there is no requirement in the Development Plan for a Local Area Plan or Action Area Plan to be in place before an application for the submit lands can be considered.
- Regarding unit mix, condition No. 4 of DCC notification reduces the BTR block DE from 13 to 11 storeys reducing the number of units to 303 no. units, which account for 38.6% of total units. This is consistent with Policy QHSN40 which requires a minimum of 60% of standard design apartments.
- Regarding public open space it is submitted that the proposal includes 1.6ha. of public open space including a central public park for the benefit of the wider community, a new public plaza on Richmond Road and an allotment garden area, equating to 26.5% of the total land zoned Z12 and Z15 proposed for residential use. It is not possible to provide open space on lands dedicated to the new hospital.

Objection and Concerns with the proposed connections form the subject site.

- The scheme provides for significant improvement in terms of local permeability and connectivity in accordance with the principles of the '15 minute' city concept, delivery on compact growth and the creation of sustainable neighbourhoods.
- Future connection has been provided for in the application drawings to Lomond Avenue /Inverness Road through the provision of a pedestrian/cycle path. It is set out that the adjacent lands are in third party ownership, and it was not possible to reach agreement with the adjacent landowner to include these lands in the application site.
- Concerns raised about proposed path to Grace Park Woods contradicts the position in relation to Lomond Avenue.
- Regarding concerns raised about boundary treatment for No 48- 54 Griffith Court Appendix 4 of the First Party response indicates a new lbex fencing or

similar approved (pink) and existing boundary treatment to be retained and made good including the existing dense/impermeable vegetation. Ilex fencing allows for visual permeability and therefore added security along this connection.

- OCSC Engineers confirm that there will be sufficient space for a turning circle to the rear of the community unit.

Inconsistencies in the planning application documentation

- It is set out that there are no errors in the planning application drawings.
- It is clear from the layout plans that the separation distance from Block F to the application boundary is 15.1m. Separation distance from Block F to the gable of the residential properties within Grace Park Grove is 15.7m
- Reference in JSA statement to a 20m set back a general statement and JSA referred to STW drawings for exact details.
- Section 15.9.17 of the Development Plan supports separation distances of less than 22m subject to high quality design and assessed on a case-by-case basis.
- Landscaping and boundary treatment proposed support adequate screening and it is set out that the Grace Park Grove properties side onto the application site with limited windows facing the application site.

Impact on Residential Amenity

- Comprehensive technical assessments carried out including Daylight/Sunlight, Wind Assessment, LVIA and Architectural Design Statement

Impact on Grace Park Wood

- It is set out that the height of Block F was reduce following LRD Opinion and only the side elevation of houses at Grace Park Wood face towards the site, mitigating any impact.
- The DCC planners report is noted setting out that to address potential for direct overlooking towards the northeast Blocks F and G are stepped back, both rising from 4 storeys on the north to 9 storeys towards the south of the blocks.

- 'Significant negative' impact acknowledges that localised visual impacts to residential properties are acceptable.
- It is set out the Block DE is set back 57m from the nearest residential boundary and 69m nearest dwelling which is a 4-storey apartment block.
- Block DE is 68.7m from the boundary with Grace Park Wood behind an area of open space and whilst it would be visible the significant separation distance mitigates any concerns with respect to overlooking and overbearing impact.

Impact on Residential Properties on Richmond Road

- The separation distance of 168m between Block DE (ranging from 5-11 storey as per condition no. 4) and no. 165 Richmond Road will mitigate overlook and overbearing concerns.
- The development is north of Richmond Road and no overshadowing will occur.
- The visual change is not in appropriate in the context of the changing character of the area (referencing Leyden's LRD opposite LRD6006/23/S3 & ABP 317136-23)

Impact of the Proposed Allotments on Griffith Court

- Based on public engagement it was decided to substitute the MUGA with allotment gardens to be managed by the development appointment management company.
- The allotment partially abuts No 47 Griffith Court, the existing boundary treatment will be retained as a physical barrier.
- The properties on Grace Park Close and located 40m from the allotments and will not have an adverse visual impact.
- The allotment will be screened by a manicured hedge to be planted along the periphery.
- The allotments are a positive contribution to the development.

Impact on Recreational Amenity of Adjoining lands

- These lands are not sensitive receptors such as residential and will remain as open space.

- The application indicates the removal of the existing defunct fencing and the construction of a rough case render finish block wall as replacement along the boundary with Ierne and Stella Maris.
- Relevant shadow diagrams submitted demonstrating that Pitch & Putt is not overshadowed.

Inappropriate building height, scale and visual impact

- The scheme has been carefully considered and provides higher buildings (Blocks DE, F and G) in the central section of the site located along the main open spaces. The proposed buildings step down to four storeys to relate to existing houses along Inverness Road and Grace Park Wood. The scale of the 4 and 5 storey Building H and L respects the adjacent community units and the height of the Protected Structures
- The building heights are in line with the Development Plan whilst providing a suitable overall density.
- Whilst the proposal diverts from the established townscape character, this is an unavoidable and not undesirable outcome to comply with compact growth policies of national, regional and local planning policy.
- Regarding concerns raised about Block L, this is c. 36m to the northwest of residential properties on Inverness Road.

Overdevelopment and Excess Intensity of Development

- The proposed density is considered to be appropriate given the site is underutilised and given its 'Central and/or Accessible' located, and the relevant policies in the Development Plan (Appendix 3).

Daylight and Sunlight Concerns

- All windows passed the test as prescribed under the BRE Guide
- Regarding 30 Grave Park Grove it is set out that the VSC value prior to development is 23.5% and that this will not change as a result of the development.

- The sunlight/daylight assessment (appendix 6 of response) demonstrates compliance with the BRE test assessment, with no impact from the proposed development on private gardens of existing residents.
- The response includes large scale images for clarity of assessment.
- Regarding overshadowing of the central public open space by overbearing aspects of the tall buildings (Block DE, F, and G) from 2pm onwards, Appendix 6 states that the amenity space at ground floor level achieve compliance with the BRE guidance of over 50% of amenity space receiving two hours or more of sunlight on 21st March. 98% of ground level space received the required level of sunlight.

Devaluation of Properties

- Referencing report prepared by Hooke and MacDonald it is set out that the scheme will enhance the surrounding area and is likely to have a positive impact on property values.

Impact on Conservation, Archaeology and Ecology

Architectural Heritage

- New structures have been designed to be subservient to existing buildings.
- The impact is balance by the public benefit of the new hospital and housing provision.
- Not necessary to reduce the height of Bloc H as Block H is lower than the highest point of the Protected Structures.

Archaeology

- Appendix 8 of the response includes a response form IAC Archaeology outlining that CH01 and CH02 are described in Chapter 12 of the EIAR as being associated with post medieval demesne landscapes. They are not archaeological features.
- In light of the response to the third-party appeal it is requested that the Board omit Condition No 41(a) which seeks “Preservation in-situ....” As this is reflective of the documentation submitted and the EIAR.

Landscape and Trees (Ecology)

- 16 out of 23 historic trees are to be retained.

Drainage and Flood Risk Concerns

- SFRA submitted with the application, new development is located in Flood Zone C and therefore is an appropriate use.
- It is noted that elevation profile of the site is high than that of the sports ground.

Environmental Concerns

- Section 3.10 of the Landscape Design Statement includes details of Biodiversity Enhancement Plan
- The Biodiversity Chapter of the EIAR address all ecological issues and includes mitigation measures.

Construction Related Concerns

- Regarding impact of golfing green, as per the Basement Impact Assessment and the EIAR a pre-topographic survey of all adjacent greens will be carried out repeated following completion of Block DE to verify no settlement has taken place.
- Regarding construction traffic –construction traffic will be limited to contractors' vehicles and deliveries which can be scheduled to spread throughout the day minimising impact. Staff will arrive and leave between permitted working hours, which will have low impact.
- The CEMP submitted with the application is to be further developed by appointed contractors through agreement with DCC.
- A 10-year permission is considered appropriate given the scale of the development.
- Regarding on site car parking, the CEMP states that there will be limited on-site provision for parking and a reasonable quantum of Cyle parking to encourage sustainable travel to this highly accessible site.

Traffic Related Concerns

- Car parking provision is consistent with the Development Plan
- The NTA submission while noting car parking concerns state that if the LA is satisfied additional spaces should be allocated to car sharing.
- The highly accessible nature of the site reduces car dependency and further mitigates concerns raised regarding overspill car parking.
- The Community Safety Strategy part of the Architectural Design Statement details how the development has been designed to promote safety and security in accordance with Policy QHSNO15

Other Issues

It is noted that the extent of 'green buffer' outlines in the appeal submission was never proposed. The woodland/periphery planting along the northern edge of Block F & G provides appropriate screening.

7.3.2 Third Party Response to First Party Submission

Response Michael Halligan Planning Consultants on behalf of Michael Callanan and others (26th July 2026):

- If granted permission provision for on-site construction worker parking to be made and an enforceable requirement that no construction workers park on Griffith Court or Grace Park Wood.
- Construction traffic cannot be allowed to use Griffith Court for access as it may pose a security risk for the centres operating at this location.
- There is no benefit to a pedestrian and cycle connection through Griffith Court.
- Concerns regarding northern site boundary and the proximity of Block DE to the boundary and loss of amenity.

7.4. Planning Authority Response

The planning authority's response to the appeals includes a memo requesting that the decision to grant permission be upheld and a number of conditions highlighted.

7.5. Observations

The following observations have been received:

7.5.1. Cllr Damian O'Farrell (24th July 2023)

The observation raises notes:

- Supports the provision new hospital.
- Concerns regarding Griffith Court access and requests palisade fencing be erected and a condition that this track not be opened until the development is complete.
- Access Road to Fairview Community unit not in charge and no consent on file to utilise this section of road.

7.5.2. David Finnegan (21st July 2023)

The observation raises concerns with respect to:

- The development should not go ahead within pedestrian/cycle connectivity to Lomond Avenue/Inverness Road.

7.5.3. Ruth MacNeill & Jonathan O'Beirne (24th July 2023)

The observation raises concerns with respect to:

- Building Height
- Traffic/Parking
- Access from new development to Grace Park Wood
- Overdevelopment
- Loss of Privacy and Sunlight
- Visual amenity and loss of parkland
- No management plan for the allotments
- Lack of a strategic plan for development in the vicinity of Richmond Road.

7.5.4. Residents Eastern-End of Richmond Road Area (10th July 2023)

The observation raises concerns with respect to:

- 10year duration of the planning permission
- Building height and Density - residential amenity impacts
- Cumulative impact of LRD developments

- Development will remove the intended use of the land for a hospital.
- Traffic issues including Convent Avenue traffic.
- Park not guaranteed in the long term, this land should be given to DCC to maintain.
- Flooding Concerns and inadequate SUD's measures
- Reference to Part V housing costs
- Car and cycle parking provision – Broader mobility alternatives should be considered.
- Long term vision for the area

7.5.5. Edward Fitzsimons (24th July 2023)

The observation raises concerns with respect to:

- Height
- Density
- Traffic
- Parking
- Concerns around the availability of sports facilities in the area
- Such developments should provide for greater communication with the surroundings area.

8.0 Assessment

This assessment considers the proposed development de novo in the context of the statutory plan for the area, as well as national policy, regional policy and relevant guidelines, including section 28 guidelines. I have reviewed the application and appeal documentation and I am aware of the planning provisions relating to the site and the proposed development.

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:

- Principle of Development
- Density, Building Heights and Visual Impact
- Impacts on Residential Amenities

- Open Space and Permeability Connections
- Trees and Biodiversity
- Flood Risk
- Traffic Impact and Car Parking
- Construction Impacts
- Other Matters
- First Party Appeal – Conditions nos. 19, 42 and 43

The third-party appellants refer to a lack of public consultation with respect to the application for the proposed development. I note that the notices and details submitted regarding the application were considered acceptable by the Planning Authority and I am satisfied that concerned parties and the public were presented with opportunities to make submissions at application and appeal stage. Several parties to the application refer to public consultation taking place with the first-party appellant prior to lodgement of the application.

Note: The attention of the Board is drawn to the fact that The Apartment Guidelines were updated in December 2022, subsequent to the section 32 Consultation Meeting took place on the 18th of November 2022 with representatives of the applicant and planning authority in attendance. The updated Guidelines do not include Specific Planning Policy Requirements (SPPRs) 7 and 8, which relate to BTR development. The amended Guidelines came into effect on 22nd December 2022. Transitional arrangements are set out in Circular Letter NRUP 07/2022, which states: *“where a request for a Large-Scale Residential Development (LRD) meeting has been submitted to a local authority for a proposal that includes specified BTR development in accordance with s.32B of the Planning and Development Act on or before the date of this Circular (21st December 2022), even if the LRD meeting has yet to take place, the opinion has yet to issue, or a planning application has yet to be made but is made within 6 months of receipt of the opinion as required by s.32A of the Act, the development will be assessed by the local authority and where applicable, on appeal to the Board, in accordance with the Guidelines issued prior to the BTR update i.e. the version of the Apartment Guidelines that includes SPPRs 7 and 8, will remain applicable”*. The following assessment is therefore based on the 2020 Apartment Guidelines.

8.1. Principle of Development

8.1.1. Compliance with Z15 Zoning

As noted in section 6.3 above, the appeal site is subject to three different land use zonings, namely:

- Z1 – Sustainable Residential Neighbourhoods with a stated objective ‘*to protect, provide and improve residential amenities*’.
- 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*’.
- Z15 - Community and Social Infrastructure’ with a stated objective ‘*to protect and provide for community uses and social infrastructure*’

Third-party appellants and observers to the appeal assert that the applicant has not demonstrated as required in the Development Plan that the residential/ commercial development proposed is required on the Z15 zoned lands noting the Z15 zoning objective requirement to only permit limited residential and commercial development in “*highly exceptional circumstances*” where it can be demonstrated that institutional use is maintained.

The Planning Report and Statement of Consistency submitted with the appeal states that the Z15 portion of the application site includes a new hospital building with substantial grounds / room for future expansion, reuse of protected structures (Richmond House and Brooklawn - RPS Ref’s 8788 and 8789) for offices associated with the new hospital, reuse of the existing hospital building (RPS Ref.: 2032) for a gym at ground and first levels and for tenants’ amenities at second and third levels, a community hall, a 3 storey childcare facility, a café, community library and co-working space. Part of Block A which includes standard designed apartments and retail floorspace. In addition, to residential Blocks H, L and J which comprise a total of 129 no. standard designed apartments, residential amenities are proposed in Block J. A total of 0.65 ha public open space is also provided on the residential portion of the Z15 zoned lands.

The First party argue that the new hospital providing mental health services demonstrates how the primary institution/community use will be maintained, protected

and facilitated into the future. The Business Plan and Operational Management Plan prepared by St. Vincent's Hospital set out that the new hospital will replace the outdated and unsuitable current hospital buildings. It is also set out that the proposed development of the new hospital, including reuse of protected structures and historic buildings will be financed by the delivery of residential development on the wider part of the site and that the inclusion of a residential element on the Z15 lands is an essential component to the financial and viability of the new hospital.

The residential component on the Z15 zoned lands represent c. 18% of the total no. of residential units proposed. The restoration and reuse of protected structures to provide a mixed-use building is welcome, in particular, as site inspection indicated that some Protected Structures including sections of the main structure appear unoccupied. I am satisfied that the primary institutional use of the site is maintained, and provision made for the longevity including future expansion of hospital (institutional use) has been provided for. In addition, the development provides for the continued preservation of architectural heritage further maintaining the institutional built heritage of the site albeit as a different use. Concerns raised about the lack of financial costings and projections are not a matter for the Board. Therefore, I am satisfied that the requirement to permit limited residential and commercial development in highly exceptional circumstances has been demonstrated in accordance with the Z15 zoning provision as set out in the Development Plan.

Concern was also raised in the appeal submissions regarding capacity issues for services in the area including schools and creche places. In accordance with requirements of Policy QHSN48 / Section 15.8.2 of the Dublin City Development Plan 2022-2028 a Social and Community Infrastructure Audit has been prepared for the site. The report concludes that there will be sufficient social, community including a proposed creche facility with 77 no. spaces and cultural facilities both within the proposed development and the wider area to cater for the needs of the future occupants of the proposed development. The planning authority raised no concerns in this regard. I have reviewed the Social and Community Infrastructure Audit and I am satisfied that sufficient social, community and cultural facilities will be available to facilitate the development.

Regarding the remainder of the site, a masterplan accompanied the planning application as per Z12 zoning requirements as set out in the Development Plan. Of

note, the majority of the residential development is located on Z12 zoned lands, this is consistent the Development Plan zoning objectives which sets out that the predominant land use on Z12 zoned land will be residential. Z1 lands occupy a small portion of the site, ancillary works only are proposed on Z1 – *Sustainable Residential Neighbourhoods* zoned land.

Accordingly, I am satisfied that the proposed development would be consistent with the land use land-use zoning objectives for Z1, Z12 and Z15 as set out in the Development Plan 2022-2028.

8.1.2. *Premature Pending Local Area Plan/Action Area Plan*

Third party appellants and observers have argued that the development is premature pending the completion of a statutory LAP /Action Area Plan for the wider Fairview area. I note, Section 2.7.1 *Plan Making* (Pg. 60) of the Development Plan 2022-2028 does not include a requirement for an LAP or Action Area Plan for the area. I note also that the Richmond Road Area Action Plan 2007 referred to by some third-party appellants is a non-statutory document. Therefore, the applicable plan is the Development Plan 2022-2028. Based on Section 2.7.1 of the CDP, I am satisfied that the development is not premature pending the completion of any LAP/Action Area Plan for the area.

8.1.3. *Housing Tenure -BTR*

Third Party objections contend that the BTR tenure is not conducive to sustainable development and that BTR accounting for 40% of total units in excessive, reducing the BTR element will allow for a building height reduction of Block DE, F and G and reduce overlooking, overshadowing and overbearance.

Regarding unit mix, condition No. 4 of DCC notification reduces the BTR block DE from 13 to 11 storeys thereby reducing the number of units to 303 no. units, which account for 38.6% of total units. Of relevance, the First party have not sought to amend this condition (I will address the mater of building height in section 8.2 below). In this regard I note, Policy QHSN40 includes “*To ensure there are opportunities for a sustainable mix of tenure and long term sustainable communities, a minimum of 60% of units within a development must be designed as standard apartments in accordance with the requirements set out in the Sustainable Urban Housing: Design Standards for*

New Apartments, December 2020". A total of 61.4% of the proposed units are standard design apartments. The proposed development is therefore in accordance with Policy QHSN40.

I further note the appeal includes a BTR Justification Report. The report demonstrates the owing to the accessible location and proximity to other employment locations, and the current shortage of residential accommodation in the City, particularly in the rental market, that there is a significant and established need for Build to Rent units and that due to the changing demographic trends in Dublin and the rising costs of traditional renting, there is an increasing demand for BTR accommodation as part of the overall housing tenure mix (as reflected in Housing for All). I would agree. I consider the BTR model offers an alternative residential option for future residents with the benefit of shared communal amenities. In the context of the accessible site location, the provisions of the Development Plan 2022-2028 and the Apartment Guidelines 2020, I consider the inclusion of the proposed BTR element of the scheme an acceptable housing tenure at this location.

I note the PA raise no concerns in this regard. I am satisfied that the proposed mix of tenure, including 38.6% BTR units and 61.4% SDA units complies with the recommendations of the Development Plan, including SC12 *Housing Mix* where it is the policy of the Dublin City Council to promote a variety of housing and apartment types and sizes , as well as tenure diversity and mix, which will create both a distinctive sense of place in particular areas and neighbourhoods, including coherent streets and open spaces and provide for communities to thrive.

8.1.4. *Part V*

An observation was made regarding the viability of Part V in terms of costings. This is not a matter for the Board. The requirement to address Part V is a provision of the Planning and Development Act 2000 (as amended).

8.1.5. *Conclusion*

Overall, I am of the view that the development including tenure represents compliance with the land use zoning objectives of the site as they relate to the Dublin City Council Development Plan 2022-2028, and the proposed development could not be

considered to materially contravene the Z15 land-use zoning objective for the site, as contained in the Development Plan.

8.2. Density, Building Height & Visual Impact

The majority of third-party appeals and the observations raise concerns that the building height, scale and intensity of development is excessive. The third-party appeals argue that the high-rise buildings (Block DE and L) conflict with the guiding principles in Chapter 4 of the Development Plan.

Of particular relevance to the subject of building height is condition no. 4 of the DCC notification which stipulated Block D-E shall have a maximum height of eleven storeys (from 13) and Block L shall have a maximum height of five storeys (from 6). The first party appeal does not seek to amend or challenge this condition and their response to third party appeals is framed around compliance with condition no. 4.

8.2.1. Density

The proposed development provides a net density of 182 units per hectare (177 UPH taking account of Condition No. 4 of DCC decision to grant) based 811 no. units and the net site area of 4.44 ha for the residential area excluding public open space and hospital site (gross density of 134 UPH). Table 1 *Density Ranges* Appendix 3 of the Development Plan sets out that Outer Suburbs have an indicative density of 60-120 uph and land within the City Centre and Canal Belt have an indicative density of 100-250 units. I agree with the planning officer's statement that this site likely does not fit neatly into either category.

The site is within a 'Public Transport Corridor' defined as a 'Key Location' for increased heights and density in Appendix 3 of the Development Plan, which is suitable for a high-density residential development and increased building heights. Appendix 3 states that "*Locations for intensification must have reasonable access to the nearest public transport stop. In line with national guidance, higher densities will be promoted within 500 metres walking distance of a bus stop, or within 1km of a light rail stop or a rail station in the plan.*" The first party set out that the site is within c. 4 minutes walking distance to the bus stop on Philipsburgh Avenue (350m) via the proposed connection through Griffith Court to the north and c. 6 minutes walking distance to the Fairview

Strand bus stop to the east (550m) via the main entrance from Richmond Road. The bus stops at Fairview Strand and Philipsburgh Avenue are served by Bus Route No. 123 (with a peak frequency every 10 mins).

Whilst I accept that this is an increased residential density relative to that of the established pattern, the site is currently underutilised. I am satisfied that the density is acceptable and appropriate for the Inner Suburban location of the development and given the proposed connections and permeability benefits the scheme will bring for the area and the provision of open space, and other uses including the hospital facility and commercial / community uses, in addition to the location within reasonable proximity to the city centre and easy walking distance to public transport corridors, employment locations including two third-level institutes and the changing context of the wider area.

The Development Plan states that *“Appropriate densities are essential to ensure the efficient and effective use of land. It is important to make the best use of the city’s limited land supply in order to meet the need for new homes, jobs and infrastructure required by the city’s growing population. More compact forms of development, ensuring, the containment of ‘urban sprawl’ and achieving social and economic diversity and vitality are critical for the future of the city and addressing climate change”*, this is supported by Policy SC10 Urban Density and Policy SC11 Compact Growth of the CDP.

In conclusion, the proposed density of 182 units per hectare (177 UPH taking account of Condition No. 4 of DCC decision to grant) is considered to be appropriate given that the subject site is underutilised and given its ‘Central and/or Accessible’ location (as defined under Section 2.4 of the Apartment Guidelines 2020). The proposed development in this location would not contradict density standards contained in the Development Plan 2022-2028 which advocates an approach of consolidation and densification in the city and the proposed density complies with Government policy to increase densities on underutilised lands within core urban areas in order to promote consolidation and compact growth, prevent further sprawl and address the challenges of climate change. It is a requirement under the NPF that at least half of all future housing and employment growth in Dublin be located within and close to the existing ‘built up’ area of the city, specifically within the canals and the M50 ring.

8.2.2. *Building Height*

Section 4.5.4 *Increased Height as Part of the Urban Form and Spatial Structure of Dublin* of the Development Plan establishes policy context. The development plan does not provide prescriptive height limits but reflects national guidance. Appendix 3 sets out specific guidance regarding the appropriate locations where enhanced density and scale including increased height will be promoted and also performance criteria for the assessment of such development. Appendix 3 also details the different classifications of building height in the city i.e., prevailing height in a given area; locally higher buildings (which are typically up to 50m); and landmark/tall buildings which are significant features in the cityscape.

The proposed building heights of the residential buildings range from 2 to 13 no. storeys. The proposal includes a locally higher building (Block D-E) to the northwest of the site, at the western end of the proposed central park. The highest part of Block D-E is intended to act as a local landmark, the Architectural Design Statement argues that Block D-E is “*situated in a location that will mark places of local visual and functional importance, whilst being suitably separated from sensitive uses and helping to frame the Central Park to the east*”. The maximum height of the building is identified as 47.965m from the lowest adjacent site level and is from the lower ground / basement level to the top of parapet.

The planning officer contends that Block D-E would be excessive taking into account the back land location of the site and whilst generally the overall height of the development is acceptable, it would be considered more appropriate that Block D-E be reduced from 13 storeys to 11 storeys with the communal rooftop area to be retained. This approach would limit the habitable element of the block to 10 storeys whilst also maintaining an 11th storey communal area section, which retains the shoulder of the block, resulting in the omission of 14 no. units. In the context of the site, the immediately adjoining development in the northwestern corner, Ierne Sports and Social Club, Stella Maris FC and the commercial rehearsal studio and coffee roastery and the evolving urban context of the area, I consider Block D-E, being the tallest building proposed to be appropriately located, particularly with regards to impact on established residential amenity. However, having regard to Table 4: *Performance Criteria in Assessing Proposals for Landmark Tall Building/s* of Appendix 3 of Development Plan, I consider that the reduction in height to 11 storeys will allow for a

more subtle punctuation of the skyline across a changing urban context where general building heights are evolving (LRD Application for Leyden's Ref. LRD6006/23-S3 & ABP Reg. Ref.: 317136-23 Awaiting appeal decision) but where the predominant building height at present is 2/3/4 storeys.

With regards third party concerns raised about the impact of building height on Protected Structures, in particular, Block L, I note the Conservation Section of DCC recommendation to reduce the height of Blocks H and L to the north of the Protected Structures in order that they are no higher than the eaves of the higher Protected Structures. The first party response notes that Block J and H are lower than the highest point of the Protected Structures. I would agree and this is evident in cross-section drawings SVRD-STW-ST-11-DR-A-025005 P02 and SVRD-STW-ZZ-DR-A-025006 P02, similarly, the reduction in height stipulated by condition no. 4 ensures Block L is lower than the eaves of the Protected Structure. I consider this approach satisfactory, and I agree with condition no. 4 as it relates to a reduction in the height of Block L. The reduced height of Block L will ensure the proposed Blocks will be subordinate in height and form to the original Protected Structure allowing the Protected Structure to maintain its dominance on site. I do not consider reference made to DCC Reg. Ref. 3388/04/ABP PL 29N 211769 refusal which noted the sensitivity of the St. Vincents site relevant in this case, as this application is assessed on its own merits.

Overall, the development provides for higher buildings ((Blocks D-E, F and G) in the central section of the site located along the proposed open spaces and adjacent pitch and putt course. In addition, the site falls from 11 m OD to c. 4.5 m OD, from levels along the northern boundary to southern portion of the site, respectively. The relief of the site comprises gentle undulations, with a significantly sharp drop in elevation located in the central portion of the site where the taller buildings are sited.

The proposed building designs reflect a tiered building height approach stepping down to four storeys to relate to the existing houses along Inverness Road and Grace Park Wood. With regard to specific concerns raised about Block F (4-9 storeys), I note that the ground floor level of Block F is below that of the nearby houses in Grace Park Wood, reducing the overall height difference by a further 0.9m.

In my opinion, the siting of the individual Blocks relative to site levels within the site, context with respect to immediately adjoining land uses and the tiered building height

approach combined with the separation distances proposed across the site reduces the scale and bulk of the Blocks and reflects an appropriate height strategy in 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 including variation of building form and the orientation of the Blocks, the transition in heights offers a new urban context while also respecting the existing residential development adjoining. I consider this approach acceptable in the context of integration with the prevailing height on the adjacent residential neighbourhoods.

On balance, I am satisfied that the proposed development provides an appropriate scale in compliance with national policy guidance and Development Plan criteria whilst protecting the character and setting of the site and the historic structures and at the same time allowing for the evolution of use which allow these buildings to be maintained in active use into the future.

8.2.3. *Visual Amenity*

A number of appeal submissions refer to visual impact, including that the development should be refused or substantially reduced to protect neighbouring properties and skyline/streetscape as it would materially conflict with Policy SC16, 17 and 18 of the Development Plan

I note Policy SC18 relates to Landmark/Tall buildings which is defined in Section 5 of Appendix 3 of the Development Plan as buildings which “are typically buildings greater than 50 metres in height.” The proposed development as the maximum height of Block D-E (as originally proposed) is 47.15m, revised to 41.53m by Condition 4(a), and therefore below the definition of ‘Landmark Building’.

The appellant has prepared a variety of drawings, studies and photomontage images to illustrate the development and its surroundings. I accept that the development will present a new form and height of development for this area and whilst the proposal would change the outlook, from neighbouring properties and areas, it is not considered that the extent of the visual change would represent a detrimental negative visual impact particularly in the context of ongoing and proposed development within the surrounding area. I note that there are existing tall structures on the skyline including Croke Park. The city skyline is evolving, and the Development Plan notes that

although low rise in nature, certain areas of the city have the capacity to accommodate buildings of greater height. I further note that the proposal will not negatively impact on protected views within the city and the modest height of the hospital building will ensure a relatively limited townscape and visual impacts on the Victorian neighbourhood to the east, including the Residential Conservation Area zoned Inverness Road.

In response to the appeals that argue that the proposed development is out of keeping with the predominantly 2 storey houses in the locality, the first party argue that whilst the proposal diverts from the established townscape character by providing a high density neighbourhood in an historically low density urban environment (albeit with an urban mix of uses along Richmond Road, including industry), this is an unavoidable and not undesirable outcome to comply with compact growth policies of national, regional and local planning policy. I would agree.

The proposed building heights have been informed by careful urban design and townscape / visual impact analysis, and subject of detailed consultation with DCC prior to lodgement of the application. The photomontages identify that the proposal seeks to limit and compensate for the loss of visual amenity through (a) responsive design (the positioning of the buildings away from the boundary, the stepping down in height towards the boundary, and the façade design and materials), and (b) the provision of open space continuity and screening vegetation. Regarding views from Grace Park Wood, I note that the houses are aligned east-west with the principal views from the houses (from front and rear windows, and rear gardens) is from east or west, and not towards the site. The visual impact of the development will be experienced mainly on the estate roads and open space.

With regard to concerns raised about View 12 and the impact on the established scale and coherence of the established roof lines of the terraced red brick houses, I agree with the first party response to the appeal that the development is significantly separated from the houses of Richmond Road. The development although visible in a wider context, the integrity of the Richmond Road character, and its roofline, would not be compromised.

Third party concerns were raised about the CGIs submitted. I am satisfied that the photomontages submitted provide sufficient information to understand the potential

visual impacts on the receiving environment including the neighbouring residential communities. It is inevitable that the site's development will cause impacts on the landscape character and views from Grace Park Wood and neighbouring residential development, Richmond Road in addition to the adjacent amenity spaces. However, I am satisfied that the impact was recognised, and the proposal sought to mitigate the impact by setting the buildings back from the boundary, stepping down in height towards the boundary, and planting trees inside the boundary to soften the impact.

I am satisfied that the site has capacity to absorb the development proposed and that the visual impact is acceptable in the context of the site and the evolving character of the area.

8.2.4. *Conclusion*

I am of the view that the site has sufficient capacity to accommodate the increased height and density proposed. I consider the scheme adheres to the requirements of the Development Plan which establishes that in proposing urban scale and building height, the highest standard of urban design, architectural quality and placemaking should be achieved. I have reviewed the scheme against the criteria set out in Table 3: *Performance Criteria in Assessing Proposals for Enhanced Height, Density and Scale* and the principles established in Table 4: *Performance Criteria in Assessing Proposals for Landmark Tall Building/s* of Appendix 3 of the Development Plan and I am satisfied that the proposed development by reason design and layout including proposed density, building height, orientation, articulation of building form and set back from adjoining boundaries, the development will not represent a negative visual intrusion in the area and that on balance that the scheme adheres to the criteria set in the Development Plan and would represent a positive contribution to the changing character of the area.

8.3. **Impact on Residential Amenities**

A common theme raised in the third-party grounds of appeal and observations is the potential negative impact on the residential amenities of existing residential properties arising in particular from overlooking, overshadowing, loss of sunlight/daylight and overbearing impacts in the context of the Z1 and Z2 neighbouring property zoning.

Having regard to the siting of the new hospital, the building height of which is only two storeys set back from the shared boundary with the gardens of properties on Inverness Road and screened by existing tree cover, I am satisfied that there will be no negative detrimental overlooking. With regards the general layout and orientation of the proposed residential blocks, their set back from adjacent site boundaries, alignment and positioning as they relate to adjoining development and the stepped approach to building heights to avoid abrupt transition in scale where new buildings are located in proximity to adjacent properties in the area addresses perceived overlooking, in my opinion and mitigation measures proposed in terms of screening and design address more sensitive areas. 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.

Regarding overbearing appearance any overbearing impact can only be excluded completely by a reduction in scale of several of the proposed Blocks. Notwithstanding, having regard to the orientation of the proposed units noting that Building D-E is set back 57m from the nearest residential boundary and 69m from the nearest existing dwelling which is a 4-storey apartment block in Grace Park Wood, I am satisfied that the development does not have a significant detrimental overbearing impact when viewed from adjoining development. The exception to this is the Grace Park Wood apartment building, in which the apartments and balconies face the site Block DE specifically. To mitigate this impact Block DE is set back from the boundary behind an area of open space (part of the central park). This means that the new building would be 68.7m distance from the Grace Park Wood balconies. I accept that Block DE would be a prominent addition to views, however having regard to the setback combined with the reduced building height to 11 storeys, I am satisfied that it would not be overbearing. Additionally, the large number of new trees in the open space between the buildings would soften Block DE's presence.

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.

A number of specific concerns were raised, I propose to address these under relevant subheadings below.

8.3.1. *Impact to Residential Properties on Richmond Road*

The appeal by Martin Kirk, No. 165 Richmond Road outlines that the development would seriously injure the amenities of residents on Richmond Road because of loss of amenity and privacy, overlooking and perception of overlooking, and visual obtrusiveness. The appeal raises concerns regarding the impact of proposed buildings C and D-E on properties to the southwest (Richmond Road) with specific reference to Section 15.9.18 *Overlooking and Overbearing* of the Development Plan.

I note a separation distance between Block D-E and No. 165 Richmond Road of 168m. I am satisfied that due to the separation distance from Block D-E the development will not result in any significant overlooking and overbearing impacts to the residential properties to the southwest. Access to daylight/sunlight is addressed in the assessment submitted with the application documentation and in the first party response to third party appeals. I am satisfied that no overshadowing will occur due to the separation distance and the location of the proposed development to the north of Richmond Road. I am satisfied that the development complies with the BRE Guidelines in this regard. DCC have not raised concerns in relation to this matter.

8.3.2. *Impact to Residential Properties at Grace Park Wood*

The appeal by Brian Delaney argues that the southern fringe of Grace Park Wood is the most substantially impacted from the proposed development noting that the EIAR states that the long-term residual visual impact is 'Significant Negative'. The appeal requests a condition to increase the setback of Block F to ensure a minimum 25m separation distance between the northern 4-storey facade of Block F and the northern site boundary with Grace Park Wood.

Regarding reference 'Significant Negative' visual impact, I accept that it is unavoidable that a development of this nature and scale in a mixed but predominantly low-density urban area will have some significant effects on the landscape and views. I note the LVIA assessment has found that the majority of the receiving environment would experience positive or neutral effects. Only at two locations, i.e. Viewpoint 23 (Grace Park Close) and Viewpoint 25 (Griffith Court) would a negative visual effect be experienced.

Of relevance, only the side elevation of houses at Grace Park Wood face towards the

site, with only some windows facing the site, which helps mitigate the impact of the proposed development. Section 15.9.17 of the Development Plan states that “*reduced separation distances may be acceptable.... In all instances where the minimum separation distances are not met, each development will be assessed on a case by case basis*” subject to design. The separation distance from Block F to the application boundary is 15.1m, 15.7m to the side gable of the adjoining residential properties within Grace Park Grove, combined with a building height stepping from 4 storeys on the north to 9 storeys towards the south (centre of the site), I am satisfied that Grace Park Wood is not unduly affected in terms of overlooking or overbearing impact.

8.3.3. *Proposed Allotments*

Some third-party appellants raised concerns about the proposed allotments, in particular the impact to No. 47 Griffith Court and residents of Grace Park Wood due to the proximity of proposed allotments and associated activity from same, potential for anti-social behaviour and the management measures. I note the proposed allotments partially abut No. 47 Griffith Court with the existing boundary treatment to be retained as a physical barrier and visual screen, I further note that the proposed allotments are located 40m from the properties on Grace Park Close and will not have an adverse visual impact. The allotment will be screened by a manicured hedge to be planted along the periphery.

Section 10.5.4 of the Development Plan includes reference to allotments as open space and that they can provide a social, community orientated and physical activity to all age groups. I agree with the First party that the allotments are considered to be suitable as they offer more passive space, an amenity for residents and the local area, in addition to promoting health & wellbeing, learning & social interactions and the needs for families. I am satisfied that as stated by the first party the allotments will be managed by the Management Company associated with the residential development to ensure that the uses of this outdoor amenity does not adversely impact on adjoining residents. This can be reinforced by way of condition should the Board be minded to grant planning permission. I consider the allotments a welcome addition to this urban scheme.

8.3.4. *Daylight/Sunlight*

The appeal by Michael Halligan Planning makes reference to properties which do not pass VSC daylight criterion and refers to a significant number of 'fails' of criteria 2 and 3 for the proposed apartment blocks and the existing dwellings in Grace Park Close and Grace Park Grove. The BRE guideline recommends that if a window retains a VSC (Vertical Sky Component) in excess of 27% with the proposed development in place then it will still receive enough daylight. If the existing VSC is below 27% or is reduced below 27% and below 0.8 times its former value, then the diffuse light may be adversely affected. It is an acceptable scenario also that where a unit fails under criterion 1 due to the existing condition and it can pass under criterion 2 as there is 0% impact from the proposed development.

Access to daylight/sunlight is addressed in the assessment submitted with the application documentation and clarification provided in the first party response to the third-party appeal submission, which sets out that the "*methodologies allow for sensible quantitative assessment of impact, for example, 30 Grace Pak Grove (referenced in the appeal) does have a VSC of less than 27% after the proposed development of 23.5%, however it also has the exact same VSC value prior to development 23.5%. There is no change in the VSC value for this unit. In the table as submitted for planning this unit fails under criterion 1 due to the existing condition and passes under criterion 2 as there is 0% impact from the proposed development*".

All windows assessed pass the test as prescribed under the BRE Guide. The first party argue that it is incorrect to pick and chooses values and denounce significant fails when the windows in question are achieving excellent sunlight post development with values ranging from 44-76% when the guideline target is 25%.

The appeal states that the central public open space is overshadowed by the overbearing aspect of the tall buildings (Block DE F and G) from 2pm onwards. The Daylight/Sunlight analysis establishes that 98% of the ground level space receive the required level of sunlight, i.e. 2 hours of light on 21st March. With regard to roof level communal spaces, 97% of Block C and 85% of Block D-E receive the required level of direct sunlight on 21st March.

Overall, the Sunlight/Daylight Analysis determined in line with the BRE Guidelines that there would be no detrimental impact to the sunlight availability on adjoining properties due to the massing and location of the proposed development. Similarly, the amenity

sunlight assessment submitted was undertaken as per the BRE Guidelines, with reference to the Shadow diagrams the analysis determined no impact. Regarding Richmond Road and concerns raised, having regard to the distance from the buildings, the massing and southerly location, I am satisfied that the proposed development will have no impact on neighbouring dwellings on Richmond Road for Daylight (VSC), Sunlight (APSH), nor sunlight to their amenity spaces.

I am satisfied that the development complies with the BRE Guidelines with regards to Sunlight and Daylight. I note DCC have not raised concerns in this regard.

8.3.5. *Conclusion*

I accept that the development will change the outlook for properties adjoining the site. However, the proposed height, scale and design of the proposed mixed-use development has been carefully considered to ensure that this higher density development can be accommodated on the subject site, without adversely impacting on the character or residential amenity of the area in terms of overlook and overshadowing. I am satisfied that any overbearing concerns are mitigated by measures embedded in the design. I am further satisfied that the scheme provides an appropriate level of amenity for future residents.

8.4. Open Space & Permeability Connections

8.4.1. *Public Open Space Requirements and Z15 Zoning Objectives*

Concerns were raised in the third-party submissions that the Z15 zoning objective requires the '*retention of institutional use and consideration should be given to the potential of land to contribute to development of a strategic green network*'. The third-party appeal argues that the largest portion of Z15 green space is not publicly accessible and that the remaining open space is narrow, constrained by 4-6 storey apartment blocks and the protected structures.

In this regard, I note the development provides 1.6 ha of public open space on the residential application site including a central public park for the benefit of the wider community, a new public plaza on Richmond Road and an allotment garden area. This

equates to 26.5% of the total lands zoned Z12 and Z15 (6.03 ha) and therefore complies with the 25% public open space requirement for these lands. I note the planning officer raised no concerns in this regard. The site benefits from the mature institutional context and the layout comprises of a series of interconnected lawn areas framed by planting including the retention of existing mature trees and enclosed by the proposed buildings and restored historic buildings. I agree with the first party that the scheme will constitute a significant new green infrastructure asset and 'place' in the townscape – with positive impact on the environment and community.

8.4.2. *Permeability Connections*

A number of third-party concerns were raised about permeability links proposed as part of the development. The development provides significant improvements in respect to local permeability and connectivity which will be of benefit to the wider community. The application includes a proposed pedestrian / cycle connection to Griffith Court, requiring alterations to the service yard of the Fairview Community Unit, two pedestrian / cycle connections to the Fairview Community Unit campus to the north (providing an onward connection to Griffith Court and Phillipsburgh Avenue), and a pedestrian / cycle connection to Grace Park Wood, within the red line application site boundary. The proposed connections ensure a high level of connectivity to surrounding areas and permeability through the site.

One third party appeal states that there is a critical need for legally binding pedestrian connections, in order to justify the heights and densities proposed and that the lack of an access to the east of the site (via Lomond Avenue) is a fundamental issue and undermines the principle of the overall development. The First party have indicated that they were unable to reach agreement with third party involved in facilitating this connection. As such the provision of the access point is beyond the control of the applicant. However, I note the proposed site layout plan makes provision internally within the site for a potential future connection to Lomond Avenue / Inverness Road, through provision of a pedestrian / cycle path up to the application site boundary, with the potential future connection point identified on the site boundary by the relocated gate piers. While it is regrettable that this connection could not be facilitated, I am satisfied that the applicant has made every effort to address same and that matters relating to third party consent are outside of their control.

Further third-party concerns were raised to the proposed walkway to Grace Park Wood as it would result in significant pedestrian/cycle/e scooter traffic through Grace Park Wood and a short cut to Drumcondra and Grace Park Road. Contrary to the concerns raised by the third party, this permeability link is a positive attribute of the scheme and consistent with the Development Plan which is unpinned by national and regional policy all of which reinforces the need for 'healthy placemaking' and the delivery of well-designed, affordable, adaptable, infill and brownfield development close to existing services and facilities supported by universal design and improved urban amenities, including public spaces and parks, social and community infrastructure, as well as enhanced permeability, accessibility and connectivity.

Similarly, concerns were raised about the proposed connection to Griffith Court and associated boundary treatment for No. 48 to 54 Griffith Court bounding the proposed passageway/activity track and associated security and amenity issues. As regards boundary treatment it is proposed to erect new Ilex fencing or similar approved and to retain the existing vegetation as a further physical and visual barrier between the path and no's 48-54 Griffith Court. Rough cast render Block & concrete walls are proposed at the connection to Griffith Court. I consider these measures acceptable and reflect the retention and enhancement of the existing boundary treatment of no's 48-54 Griffith Court.

I am further satisfied having regard to the drawings submitted that the activity track will not reduce the turning circle space for the Fairview Community Centre. With respect to reference that the access road to Fairview Community unit not in charge and that there is no consent on file to utilise this section of road. I note the PA raised no concerns in this regard, in any case no works can take place on third party land without their consent.

8.4.3. *Impact on Recreational Amenity of Adjoining Lands*

Concerns were raised by Ierne Sports and Social Club regarding the proposed apartments overlooking Ierne Social and Sports club lands. The appellant argues that while the lands are zoned for amenity that should not give cause to any adjoining landowner to ignore the club's existence and attempt to claim this property for the visual benefit of future apartment dwellers. The Architectural Design Statement and Chapter 11 of the EIAR do not identify these lands as sensitive receptors.

Furthermore, these lands are zoned *Amenity/Open Space/Green Network* in the Development Plan, I consider this zoning provides a buffer between the site and the more sensitive receptors adjoining the development albeit the appellant does not agree. The request to relocate the Block away from the shared boundary and revise elements of the design is not justifiable and I do not consider concerns raised that members with children/young teenagers will be overlooked by apartments as a significant cause for concern given the established use as a sports grounds and pitch and putt which by their nature are shared uses occupied by multiple users at any given. Regarding anti-social and boundary treatment concerns the original application drawings indicate the removal of the existing defunct fencing and the construction of a rough cast render finished block wall approx. 2.4m high as replacement along the boundary with Ierne and Stella Maris. Additional tree planting along the development side of the boundary treatment will act as additional physical & visual screening, thereby creating a green edge. I considered this satisfactory.

Concerns was also raised that Block D-E will deprive the Pitch and Putt greens of necessary sunlight. I refer the Board to Appendix 6 of the first party response to the appeal which includes relevant shadow diagrams which demonstrate that in March and December the Pitch and Putt is not overshadowed from 1pm and no overshadowing is expected in summer months, and therefore the concerns raised are unfounded.

8.4.4. *Conclusion*

Of relevance, the design provides that all routes and open spaces are overlooked by apartments to ensure passive surveillance, main entrances are overlooked from adjacent apartments and all pedestrian and cycling routes through and around the site have been set out to provide safe edge treatment, clear sightlines and clear visibility of the route ahead. In addition, the Microclimate Wind Analysis indicates that the spaces would have conditions suitable for their intended activity.

I am satisfied that the proposed development would improve the character, quality/condition and permeability of the Richmond Road and improve the condition of the streetscape. Importantly, the development will create a new public park in addition to public pedestrian and cycle routes north to south across the site, connecting Grace

Park Wood and Griffith Court to Richmond Road. The new entrances and routes across the site would result in a substantial improvement in permeability in the area, in accordance with the principles of the '15-minute city' concept, delivery of compact growth and the creation of sustainable neighbourhoods.

8.5. Trees and Biodiversity

8.5.1. Trees

Martin Kirk's appeal notes that a total of 122 or 44% of existing trees on the site are proposed to be removed. The concerns raised by DCC Parks Department regarding trees also highlighted noting that the scheme should have been designed to protect Tree 1792, a veteran London Plane.

I note 23 historical trees were identified on site, 16 of which are to be retained. The 7 trees identified for removal will facilitate the construction of the new hospital. The first party argue that every effort has been made to retain the maximum number of historic trees through design development and mitigation planning. The application is accompanied by an Arboricultural Assessment, Arboricultural Impact and Tree Protection Plan Report. A total of 277 no. trees were recorded on site. The development will necessitate the removal of 119 no. trees, a further 17 Category 'U' trees are recommended for removal due to reason of decline or hazard. Therefore 135 no. existing trees will be retained on site. In addition to these trees being retained, a total of 420 no. replacement trees are proposed to negate against the total 119 no. trees identified for removal as a result of the development.

Whilst I consider the scheme could have been better considered to address the retention of historic trees, I accept that there needs to be a balance between tree removal, retention and replacement whilst delivering an appropriate form of development on the lands. The remaining historic trees are located on lands identified for potential future hospital development; these trees form part of the institutional character of the site any future development here should ensure the remaining historic trees are retained. Subject to compliance with the tree protection strategy for the site, in addition to a tree Bond and appropriate supervision of tree protection measure by a suitable qualified Arborist including during and post development works the development is considered acceptable.

8.5.2. *Biodiversity*

lerne Sports and Social Club raised concerns regarding the impact on local wildlife noting proposals to develop much of the former institutional lands in the area. The application outlines that the loss of habitat will be negated by the inclusion of native trees & plant species within the vegetation palette. The proposed landscape incorporates measures to enhance biodiversity in an urban setting, including planting native tree species, coupled with plants selected from a list of pollinator friendly species, the introduction of built-in bat & swift boxes and free-standing wooden bird boxes located throughout the development. I am of the view that this approach is acceptable in the context of this urban site and reflective of the principles of biodiversity net gain.

8.6. **Flood Risk**

Concerns were raised that the site was a risk of flooding from both the nearby Tolka River, lerne Social and Sports Club also queried the potential for rainfall runoff on their lands being impeded from discharging from their site.

The Site-Specific Flood Risk Assessment prepared by OCSC Consulting Engineers demonstrates the compliance of the scheme with “The Planning System and Flood Risk Management – Guidelines for Planning Authorities” (2009) and concludes that the proposed buildings for this development are located within Flood Zone C. Pluvial and groundwater flooding will be managed through the implementation of the mitigation measures. The site is not at risk of flooding from external sources, or as result of the proposed development. Therefore, in accordance with the Planning System and Flood Risk Management Guidelines for Planning Authorities, there is no significant risk for flooding on the proposed development site and it is appropriate for use.

In order to minimise the risk of flooding within the development, the proposed development is to be served by its independent surface water network, which is to manage the rainfall-runoff, through an integrated sustainable drainage system network, and restrict all surface water discharge from the site to the greenfield equivalent rates, as required by the City Development Plan

Furthermore, it is noted that the elevation profile of the subject development site is

currently higher than the lands at the Sports and Social Club. The proposed development does not interfere with the ability of the adjoining lands to drain themselves, as is the case in its current condition.

8.7. Traffic Impact and Car Parking Provision

Vehicular access to the new hospital and associated grounds is provided from Richmond Road and Convent Avenue, with separate internal access points. The new hospital facility will be gated and fenced off. A separate vehicular access to the residential development is provided from Richmond Road.

Third party concerns have been raised as regard the impact of increased traffic on Richmond Road. The first party state that the findings of the TIA show that the impact of the development on Richmond Road and its junctions will be negligible.

The nature of the design of the development seeks to promote sustainable travel and reduce the use of car parking through the inclusion of high-quality cycle provisions, car club vehicles, a high degree cycle and pedestrian permeability and a low level of car parking provisions. The development provides a total of 247 no. spaces for the residential element of the scheme. The combination of reduced car parking and sustainable transport measures and the accessibility will aid in reducing the modal share of private cars at the site and further mitigate any potential impact on the local road network. I am satisfied that the area has the capacity to absorb the increase in traffic generated by the development.

Furthermore, I note the hospital development is not expected to generate additional trips on the road network as the proposal is for a replacement hospital with no increase in capacity.

I further note that the Traffic Impact Statement considers road Objective SMT023 which relates to the *Elimination of 'Free' On-Street Parking*. The application includes for footpath improvements along the frontage of the application site. These will be complementary to other improvements proposed by others in other recent / current applications, such as Leyden's LRD to the south of the site.

8.7.1. Car Parking

A number of third-Party submissions raise concerns about residential car parking on

site and the potential for overspill. It is proposed to provide a total of 247 no. spaces, of which 124 no. are EV spaces, 7 no. are car club spaces, and 13 no. are mobility impaired spaces, for the residential portion of the development. This translates to an approximate ratio of 0.3 spaces per unit.

As per Map J of the Development Plan the proposed development is located within Parking Zone 2. The Development Plan sets out a requirement of 1 space per dwelling Houses, Apartments/Duplexes and 1 space per 100 sqm GFA for Hospitals. Based on the above, the maximum car parking standard as set out in the Development Plan for the residential element of the development is 811 no. spaces (811 no. units).

The TIA accompanying the planning application includes a car parking strategy for the development which justifies the parking ratio based on analysis of the modal split for the area, obtained from the 2016 Census Data, as well as outlining the site's proximity to Dublin City Centre, rail connections and bus stops nearby, noting the site is therefore considered to be within reasonable walking and cycling distance of the city centre and therefore suitable for the scale and density of development.

Appendix 5 of the Development Plan states that "*A relaxation of maximum car parking standards will be considered in Zone 1 and Zone 2 for any site located within a highly accessible location*". Subject to satisfactorily meeting criteria including location, accessibility, permeability traffic safety, mobility management etc.

In response to the concerns raised regarding overspill car parking on adjacent streets, I note a Parking Management Plan was submitted with the application which sets out the proposed allocation of parking, the rationale for same and the measures to be put in place to control its use. Section 6 of the Traffic Impact Assessment submitted with the application, outlines that access to the basement car parking area will be controlled through steel gates and access control. Residents will lease spaces directly with the landlord. This will ensure an efficient approach to utilisation of the car parking proposed for the benefit of future residents.

By way of information for the Board, I note the NTA in their submission to the LA queried the lack of adequate parking provision and the associated potential to give rise to traffic hazard, traffic congestion as well as haphazard and disorderly parking in the general vicinity of the site. However, the submission also notes that if the local authority is satisfied with the proposed parking rate, additional spaces should be

allocated to car sharing. To this end, I note the DCC Traffic and Road Planning Division raised no concerns.

The site is within walking distance of the Drumcondra Road QBC bus stop to the west (750m) and Fairview Strand Bus routes to the east (650m). The site is also approximately 1.5km from Drumcondra Rail Station and 2km from a DART and inter-city rail connection at Clontarf Road DART station on the Dublin-Belfast railway line.

Having regard to central and accessible site location and mobility management measures implemented, I am satisfied that the quantum of parking proposed is sufficient to serve the proposed development and consistent with SMT 27(i) *Car Parking in Residential and Mixed-Use Developments* of the Development Plan to provide for sustainable levels of car parking so as to promote city centre living and reduce the requirement for car parking.

8.7.2. *Construction Traffic*

Concerns were raised about the impact of the predicted level of construction traffic, the high proportion of HGVs and the long duration of the construction phase. The appeal states that the construction works will have serious long term negative impacts upon local residential amenity at Richmond Road and in particular, Hogan View, which is located between the residential vehicular access and the access at the institutional portion of the site.

The EIAR accompanying the planning application sets out that the maximum vehicle/truck movements per day at peak production and an estimated average vehicle/ truck movements to complete the development as detailed have been estimated as follows:

- 60 no. private vehicles per day from staff and site visitors i.e., 120 no. vehicle movements.
- 40 no. light goods vehicles per day from subcontractor staff i.e., 80 no. vehicle movements.
- 100 no. heavy goods vehicles per day during peak excavation process i.e., 200 no. vehicle movements.
- 40 no. heavy goods vehicles per day outside of the peak excavation periods i.e., 80 no. vehicle movements.

The first party state that peak construction traffic will only be applicable during the excavation period and periods of large concrete pours which, in the context of the overall construction stage will be relatively infrequent. I agree that some cumulative traffic impacts may arise during construction, however, I consider these to be limited and short lived and subject the implementation of a traffic management plan acceptable.

Regarding concerns raised about construction staff parking, as per the Construction and Environmental Management Plan, limited on-site provisions will be made for car parking by site construction personnel. A reasonable quantum of cycle parking will also be provided to encourage more sustainable transport. A limited number of spaces will also be provided for critical use such as the delivery of materials, tools, etc. to prevent overspill parking onto the local road network. All site personnel and delivery drivers will have to undergo site induction where these elements will be highlighted. It is not anticipated that any off-site parking will occur. Owing to the accessible nature of the site and subject to appropriate management of same I consider these measures acceptable.

Regarding the third-party suggestion that HGV's be restricted to accessing the development site from the west along Richmond Road. In response the first party state that in order to ensure the most efficient construction methodology possible, it is critical that flexibility is maintained with respect to appropriate construction access. This is particularly true given that the hospital will remain in operation for the full duration of the works and there may be a requirement to have parallel phases of development to ensure its quick delivery. It is also highlighted that there is a current restriction on the bridge past Tolka Park which could influence the final construction routing. The final CEMP will be further developed by the appointed contractor through an agreement with DCC and will includes a suite of measures to ensure minimal impact on the public road network and surrounding the site. I consider this approach acceptable.

8.7.3. *Conclusion*

I am satisfied that the implementation of a Traffic Management Plan and CEMP represent reasonable control measures for the construction, implementation, and occupation stages of the development.

8.8. Construction Impacts

A number of third parties raised concerns about construction impacts of the development. A Construction and Environmental Management Plan (CEMP) accompanied the planning application this sets out mitigation measures for site dust control which will reduce dust and wind born particles. The mitigation measures will be further expanded and detailed by the appointed contractor in the final CEMP and further details to be agreed with DCC. I further note that in their response to the third party appeals the first party have indicated that pest control measures will be incorporated into the final CEMP.

Regarding concerns raised about basement construction. I refer the Board to the Basement Impact Assessment and the EIAR accompanying the planning application which note that it is intended to undertake a pre-topographical survey of all the adjacent greens and repeat these following completion of excavation, and completion of Block D-E to verify no settlement has occurred. However, due to the remote nature of the proposed basement within the site boundary, no settlement issues are expected from the proposed development. I am satisfied that this matter can be addressed by way of condition should the Board be minded to grant planning permission.

8.9. Other Matters

8.9.1. Archaeology

Referencing the DCC Archaeological Report one third party contends that the information submitted is not satisfactory, with particular reference to where that report states that "*the demolition of the demesne wall (CH01) and the outbuilding (CH02) do not seem to have been considered for preservation in situ through redesign and conservation repair to present them as part of the landscape design*".

Appendix 8 of the first party response to the third-party appeals includes a response prepared by IAC Archaeology which addresses the points raised by the third party in respect to the DCC Archaeology Report and outlines that both CH01 and CH02 are described within Chapter 12 of the EIAR as clearly being associated with post medieval demesne landscapes. They are not 'archaeological' features, having been assessed under a Cultural Heritage designation as post medieval features post-dating

1700. It is set out that whilst CH02 is located within the (arbitrary) zone of notification for the site of a castle, it has no direct association with any castle site, as it post-dates 1844. There are no upstanding remains of the castle recorded within the development area, nor identified during the course of the assessment...

On this basis, it is reasonable to consider the proposed mitigation measures set on in Chapter 12 of the EIAR which includes a programme of archaeological testing will be carried out across all greenfield areas to be affected by the proposed development including any ground disturbances proposed within the zone of notification associated with the recorded castle site (DU018-017) satisfactory in this instance.

Regarding the request by the first party that the Board omit Condition No 41(a) which seeks "Preservation in-situ..." As this is reflective of the documentation submitted and the EIAR. I note the mitigation measure as set out in the EIAR; however, condition no. 41 is a detailed site-specific archaeology condition, in the interest of clarity I consider it appropriate that this condition be retained.

8.9.2. *Discrepancy in proposed Site Plans*

Another point raised in a third-party appeal relates to an alleged discrepancy in proposed Site Plans. In response the first party offers clarification stating - "*In the Architectural Design Statement there are diagrams composed of photoshopped site plans onto a Google Earth background, which are not to scale and only used to indicate the positions of various site features. In the STW Report this occurs twice – on pages 52 and 58. All actual scaled dwgs, all Modelworks CGIs and all Sectional information is fully correct. Also, in Section 4.3 Design Evolution the consistent position of F and the North boundary can be seen throughout all iterations*". I have reviewed the documents and I am satisfied that the drawings dovetail.

8.9.3. *Duration of Permission*

In response to the concerns related to the duration of the permission sought, the EIAR and CEMP establish indicative durations for the respective construction stages identifying a preliminary estimate that construction works, including infrastructural works, will take approximately 48 months from commencement of development. In addition, a c. 6-month period would be required for the tender process from receipt of

the final grant. I do not consider this timeline unreasonable. Thus, based on a best-case scenario the development could be completed within c. 5 years from a final grant of permission. A ten-year permission is sought for this project, which is considered appropriate given the residential, hospital and Protected Structure aspects of the project and the need to allow sufficient time to address any unforeseen delays during the construction process. I am satisfied that the proposed 10-year permission is considered appropriate given the scale and nature of the proposed development, and potential for unforeseen delays.

8.9.4. *Hospital Services*

One appeal queries if the adolescent Services associated with the hospital are moving 'off site' and if the proposed development is a "false dawn for improved mental health services in the area". I refer the Board to Appendix 2 of the first party appeal submission prepared by St. Vincent's Hospital which states that "*the overall thrust of national policy is a move away from in-patient care where possible to a model of care that is predominantly community based and delivered by multi-disciplinary teams*". Notwithstanding, it is stated that there will remain a requirement for in patient accommodation.

8.9.5. *Site Levels adjacent to Lerne Sports and Social Club*

A request was submitted by Lerne Social and Sports Club that the ground floor of Building DE be at the equivalent level to the Lerne site. I refer the Board to Appendix 3 of the first party response which sets out the existing levels will be integrated into the layout if the scheme. It is set out that the Lerne and St Vincent's sites both have a level change of approximately 1 storey between the southern and northern portions of the sites surrounding Block DE. There is an existing steep embankment adjacent to the site boundaries with Lerne to west of Block DE, as well as to the south perimeter adjacent to Stella Maris FC pitch. The basement level of Block DE to the south utilises the lower level of the embankment to allow for level access to the basement and residential bicycle parking, whilst the gradient to the west rises at a gentle slope to meet with established levels to facilitate universal access through to Grace Park Wood and the new Public Park. I am satisfied that the integration of the existing levels is an acceptable and a sustainable approach to the development of the site.

8.9.6. *Devaluation of properties*

Third party concerns were raised that the development would significantly devalue residential property in the vicinity. In response the first party includes a report prepared by Hooke and MacDonald (Appendix 7) which provides analysis of the impact of new higher density developments on the value of residential properties in the immediate area. It is set out that the evidence demonstrates that these developments usually have the opposite impact, whereby a well-designed, attractive scheme will generally enhance the surrounding area, and will have a positive knock-on effect on sales prices in the area. This view is based on their knowledge and experience in the residential property market over a number of decades and supported by the analysis of market transactions.

I am satisfied that the applicant has demonstrated that the development would not result in the devaluation of property in the area. I consider this a welcome addition to the area and will result in the enhancement of the character of the Richmond Streetscape and the wider area and will result in a planning gain for the area.

8.10. First Party Appeal - Conditions Nos. 19, 42 and 43

8.10.1. *Condition No. 19*

The first party requests the Board to revise the wording of condition no. 19 to reflect the identified phasing programme which requires the construction of the new hospital to be completed in Phase 1. It is set out that the application included an indicative phasing programme set out as follows:

- Phase 1 – Construction new hospital, while the full access is maintained to the existing hospital facilities for patients and staff, and including works to Richmond House, Brooklawn, Laundry building and Rose Cottage.
- Phase 1A: Construction of residential development of Blocks B, C, D,E,F and G on the Z12 lands.
- Phase 1B: Construction residential development Block A and new welcome Gardens to Richmond Road.
- Phase 2: Decant all medical functions into the new buildings.

- Phase 2A: Demolition of former hospital buildings, refurbish retained Historic Structures, Buildings J, H and L, Complete Public Park north of historic buildings and link to Griffith Court via the Community Unit.

The first party argue that works to St. Vincents Hospital to provide for part of the proposed commercial, community and residential amenity floorspace, cannot be facilitated until all medical functions are transferred to the new hospital and works complete under Phase 1. The revised wording allows for the occupation of residential units and amenity on Phases 1A and 1B in advance of the completion of St. Vincents (Phase 2).

The submitted first party appeal requests that the Board revises the wording of Condition No. 19 as follows (new / additional text in grey and bold, deleted text in red):

The development shall be carried out in accordance with the following phasing arrangements:

- (i) *The cafes, (Block F) and retail unit (Block A) in Phases 1A and 1B, and gym hereby approved shall be fully fitted out and suitable for immediate occupation and operation prior to the first occupation of the residential units hereby approved in Phases 1A and 1B.*
- (ii) *All The Phase 1A and 1B residential amenity floorspace and supporting services (located in Block's C, D-E, F, and G) shall be ready and available for immediate use prior to first occupation of any residential block in Phases 1A and 1B.*
- (iii) *The Café (Block K2), Childcare facility (Block K3), Community Library (Block K2), Community Hall (Block K4), Gym (Block K1) and Residential Amenities and supporting services (Block J and K1) in Phase 2A shall be ready and available for immediate use prior to first occupation of any residential block in Phase 2A (Block H, J and L).*

Reason: To ensure the delivery of a mix of land uses on site and in the interests of residential amenity.

Regarding implications for the BTR it is submitted that the resident support and amenities in Phases 1A and 1B is suitable for the BTR units, having regard to the provision in other schemes, the quantum of additional resident services and amenities to be delivered in Phase 2A and the range of other community and commercial uses proposed.

Phases 1A and 1B will be occupied before 2A is complete and it is not considered

reasonable to delay the occupation of these units until Phase 2 and 2A is complete which will follow after the completion of Phases 1A and 1B, as the Café (Block F), retail units (Block A) and residential amenity floorspace in Block's C,D,E,F and G are included in Phase 1A and 1B.

Conclusion

Given the necessity to build the replacement hospital in phase 1 and the complexities of adaptation and re-use of Protected Structures, I am satisfied that the revised wording put forward by the first party is reasonable and a suitable quantum of residential amenity will be provided in Phase 1A and 1B. I am of the view that the phasing provides for the sequential development of the site and is therefore acceptable.

8.10.2. *Condition No. 42*

The appeal relates to the wording at the beginning of Condition no. 42 and requests the Board to omit reference to '*prior to commencement of any development on site*'. The appeal does not relate to sub-sections (a) – (L).

Condition no. 42 reads "*The following Conservation requirements shall be fully complied with in the proposed development including the submission of relevant details for the written agreement of the Planning Authority prior to commencement of any development on site:.....(a) – (L)*"

The first party argue that it is not possible to provide relevant details of St. Vincents Hospital building prior to commencement of any development while still occupied and in medical use, as this will likely require further investigation of building interiors etc. It is only possible to provide details relating to St. Vincents Hospital old house/convent (RPS.:2032) prior to Phase 2A commencing, once the medical functions have been transferred to the new hospital. The first party have indicated that details in relation to Brooklawn (RPS.:8789), Richmond House (RPS Ref.: 8788), Laundry Building and Rose Cottage will be provided in advance of Phase 1 development commencing as these structures from part of Phase 1.

Conclusion

Having regard to the above, I consider an appropriate wording would require prior to the commencement of development details for Brooklawn (RPS Ref.: 8789),

Richmond House (RPS Ref.: 8788), Laundry Building, Rose Cottage and the historic boundary elements to be submitted for the written agreement of the Planning Authority.

Regarding St. Vincent's Hospital old house/convent, including plastered extension to the west and entrance porch to convent, i.e. (RPS Ref.: 2032), I agree that in order for the most thorough assessment of the conservation aspects of the building to the assessed full vacancy would be beneficial, this is also considered appropriate given the sensitive nature of the medical use on the site. Therefore, I consider the condition should be revised to include the text - Prior to the commencement of Phase 2A development works details regarding works to St. Vincents shall be submitted for the written agreement of the Planning Authority.

8.10.3. *Condition No. 43*

The appeal requests the Board omit Condition No. 43 as the requirements for a BTR covenant and agreement is addressed under condition No. 7 of the PA's notification, and it would appear condition No. 43 has been attached in error and is superfluous. I note the Planning Authority offer no further comment on this matter in their response to the appeal submission. However, I have reviewed the conditions and I note that condition no. 7 relates specifically to the BTR blocks D-E and F and the requirements for a "*covenant or legal agreement which confirms that the (303 no. units in Blocks D-E and F) development hereby permitted shall remain owned and operated by an institutional entity for a minimum period of not less than 15 years and where no individual residential units shall be sold separately for that period. The period of 15 years shall be from the date of occupation of the first residential unit within the scheme*". Condition no 43 repeats the requirement to submit a covenant or legal agreement albeit worded slightly differently both conditions essentially say the same thing. I recommend the inclusion of a single a condition relating to BTR covenant should the Board by minded to grant planning permission.

9.0 Appropriate Assessment

9.1. Introduction

The applicant has prepared an AA Screening and a Natura Impact Statement (NIS) as part of the application. The AA screening report concluded that in the absence of mitigation measures there is potential for petrochemicals or silt laden material to enter the marine environment at South Dublin Bay SAC, North Dublin Bay, South Dublin Bay and River Tolka Estuary SPA, and North Bull Island SPA. Acting on a strictly precautionary basis, an NIS has been prepared in respect of the effects of the project on South Dublin Bay SAC, North Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA, and North Bull Island SPA. The requirements of Article 6(3) as related to screening the need for appropriate assessment of a project under part XAB, section 177U and section 177V of the Planning and Development Act 2000 (as amended) are considered fully in this section.

9.2. Compliance with Article 6(3) of the Habitats Directive

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 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 applicant has submitted a Screening Report for Appropriate Assessment and a Natura Impact Assessment. The Report provides a description of the proposed development, identifies and provides a brief description of European Sites within a possible zone of influence of the development, an assessment of the potential impacts arising from the development and an assessment of potential in-combination effects. Table 2 of the AA Screening Report notes that in the absence of mitigation measures, it is considered that significant effects on the qualifying interests of this SAC are likely via the indirect hydrological pathways to the River Tolka during construction (surface water discharge to existing public surface water network located on Richmond Street) and operation (surface water discharge to existing public surface water network located on Richmond Street) which has connectivity to Dublin Bay is uncertain. In line

with Departmental Guidance and having regard to ECJ case law and the 'precautionary principle' Stage 2 Appropriate Assessment is required in respect of South Dublin Bay SAC, North Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA, North Bull Island SPA.

Having reviewed the documents and submissions, I am satisfied that the submitted information allows for a complete examination and identification of all the aspects of the project that could have an effect, alone, or in combination with other plans and projects on European sites.

9.3. Stage 1 AA Screening

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 in view of the conservation objectives of those sites.

9.3.1. Description of Development

The applicant provides a description of the project in the Appropriate Assessment Screening Report. The development is summarised in Section 3 of this report. In summary, The proposed development at St Vincent's Hospital, Richmond Road and Convent Avenue, Fairview, Dublin 3, a residential development comprising the construction of 9 no. residential buildings providing 811 apartments (494 no. standard designed apartments and 317 no. Build to Rent apartments), new hospital building, refurbishment and repurposing of existing buildings on site including Brooklawn (RPS Ref.: 8789), Richmond House, including chapel and outbuildings (RPS Ref.: 8788) and ancillary 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).

9.3.2. 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.9.46ha (8.71ha. excluding ancillary road improvement works) in Dublin's inner suburbs. The site comprises a number of larger buildings in east with some small areas of greens and

small patches of mixed mature trees. Two areas area of more substantial rough grassland are situated at the west side of the site. The nearest waterbody to the subject site is the river Tolka, located approximately 90m to the south of the site boundary. According to the EPA, the water quality of the Dublin Bay coastal waterbody is classified as 'good' and is 'not at risk' based on categorisation for the purposes of the Water Framework Directive.

9.4. 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.

9.5. Zone of Influence

9.5.1. The proposed development is not located within or immediately adjacent to any European Site.

9.5.2. Appropriate Assessment Guidance (2009) recommends an assessment of European sites within a Zone of Influence of 15km. However, this distance is a guidance only and a potential Zone of Influence of a proposed development is the geographical area over which it could affect the receiving environment in a way that could have significant effects on the Qualifying Interests of a European site. In accordance with the OPR Practice Note, PN01, the Zone of Interest should be established on a case-by-case basis using the Source- Pathway-Receptor framework and not by arbitrary distances (such as 15km). The Zone of Influence may be determined by connectivity to the proposed development in terms of:

- Nature, scale, timing and duration of works and possible impacts, nature and size of excavations, storage of materials, flat/sloping sites;
- Distance and nature of pathways (dilution and dispersion; intervening 'buffer' lands, roads etc.); and
- Sensitivity and location of ecological features.

- 9.5.3. The AA Screening Report (page 49) notes that the project is large in scale and extent and the potential zone of influence is restricted to the immediate vicinity of the proposed development. It is considered that out of an abundance of caution and in the absence of mitigation measures, there is potential for silt and pollution to enter the River Tolka and the marine environment at Dublin Bay via the existing public surface water network (during construction and operation) that outfall to the River Tolka and impact on local biodiversity and European sites immediately downstream from the works. However, following the precautionary principle, screening of all Natura 2000 sites within 15km and those with a direct/indirect pathway beyond 15km is carried out.
- 9.5.4. The following 15 no. Natura 2000 sites that are within 15km of the site and their distance from the application site are identified:

Special Areas of Conservation

- IE000210 South Dublin Bay SAC
- IE000206 North Dublin Bay SAC
- IE000199 Baldoyle Bay SAC
- IE000202 Howth Head SAC
- IE003000 Rockabill to Dalkey Island SAC
- IE000205 Malahide Estuary SAC
- IE002193 Ireland's Eye SAC
- IE002122 Wicklow Mountains SAC
- IE001209 Glenasmole Valley SAC
- IE000208 Rogerstown Estuary SAC

Special Protection Areas

- IE 004024 South Dublin Bay and River Tolka SPA
- IE 004006 North Bull Island SPA
- IE004016 Baldoyle Bay SPA
- IE004025 Malahide Estuary SPA
- IE004117 Ireland's Eye SPA
- IE0004113 Howth Head Coast SPA
- IE004172 Dalkey Islands SPA
- IE004040 Wicklow Mountains SPA

- IE004015 Rogerstown Estuary SPA

- 9.5.5. The application site is not located within or adjacent to any European site. As set out above the nearest waterbody to the subject site is the River Tolka, located approximately 90m to the south of the site boundary. There is an indirect hydrological connection to this waterbody via surface water drainage (during construction and operation). The overall development is divided into a number of surface water subcatchments as a result of the natural topography, site layout, and other site constraints. All surface water runoff is to be attenuated and treated within the new development site boundary, before ultimately discharging to the existing public surface water network on Richmond Road, which in turn outfalls to the River Tolka. Given that the River Tolka outfalls to the marine environment at Dublin Bay, it is considered that there is an indirect hydrological connection to European Sites located within Dublin Bay via the proposed surface water drainage strategy.
- 9.5.6. There is also an indirect hydrological connection to European Sites within Dublin Bay via foul wastewater drainage, surface water discharges. Foul wastewater will be directed to an existing public foul network located on Richmond Street, which in turn discharges to Ringsend Wastewater Treatment Plant (WwTP) for treatment.
- 9.5.7. 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).
- 9.5.8. 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.

9.6. Screening Assessment

9.6.1. The Conservation Objectives and Qualifying Interests of sites in South Dublin Bay SAC, North Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA, North Bull Island SPA are outlined in the table below.

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.3.7km
<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 (GlaucoPuccinellietalia maritima) [1330] Mediterranean salt meadows (Juncetalia maritimi) [1410] Embryonic shifting dunes [2110] Shifting dunes along the shoreline with Ammophila arenaria (white dunes) [2120] Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] Humid dune slacks [2190] Petalophyllum ralfsii (Petalwort) [1395]</p>	c.3.9km

<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>	
<p>SPA:</p>	
<p>South Dublin Bay & River Tolka SPA (site code: 004024).</p> <p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046] Oystercatcher (<i>Haematopus ostralegus</i>) [A130] Ringed Plover (<i>Charadrius hiaticula</i>) [A137] 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] Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157] Redshank (<i>Tringa totanus</i>) [A162] Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179] Roseate Tern (<i>Sterna dougallii</i>) [A192] Common Tern (<i>Sterna hirundo</i>) [A193] Artic Tern (<i>Sterna paradisea</i>) [A194] 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.1.1km</p>
<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</p>	<p>c.3.8km</p>

Annex II species for which the SPA has been selected.	
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9.7. Consideration of Impacts

9.7.1. It is considered that there is nothing unique or particularly challenging about the proposed urban development, either at construction or operational phase.

9.7.2. 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 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:

- surface water drainage from the proposed development site during the construction and operational phases;
- increased disturbance as a result of construction activity;
- increased wastewater being sent to Ringsend WWTP during the operational phase of the proposed development;
- potential collision risk/obstruction for bird species during the operational phase.

9.7.3. Assessment of Likely Significant Effects on Designated Sites

9.7.3.1. 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.

9.7.3.2. The habitats within or adjoining this 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 October/November/December 2021 and January/February & March 2022. In total, 53 bird species were found, including three species of raptor, three species of wildfowl and two species of wader

commuting over the location, likely utilising sports pitches and other amenity grasslands in the area for foraging and travelling to or from roosting and additional foraging sites on the coast in the nearby SPA network. Of note was the presence of a small flock of feral Ring-necked Parakeets found using the site as a roosting and possible nesting location. Results from the survey suggested the site is not an ex-situ foraging or roosting site for species of qualifying interest from nearby Special Protection Areas (SPAs) such as the North Bull Island SPA and the South Dublin Bay and River Tolka Estuary SPA. 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.

- 9.7.3.3. The river Tolka is c.90 south of the site. I note the SFRA identified the site in Flood Zone C, outside the 1 in 100 and 1 in 1000-year fluvial flood extents. The Dublin Pluvial Study identified a portion of the site as being at risk of pluvial flooding. The proposed development includes a new surface water network which will mitigate the pluvial risk to 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. Given the nature of the works, all of these effects would be expected to be localised in nature restricted to the immediate vicinity of the site. Any potential pathway is via discharges to the surface water drainage network.
- 9.7.3.4. 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.
- 9.7.3.5. 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. I am satisfied that the potential for likely significant effects on the qualifying interests of European sites in Dublin Bay can be excluded given the indirect and interrupted hydrological connection, the nature and scale of the development featuring a piped surface water network, including standard control features, and the distance and volume of water separating the subject site from European sites in the Dublin Bay area (dilution factor), including the Tolka estuary.

9.7.3.6. 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.

9.7.3.7. The Construction and Environmental Management Plan and Operational Waste Management Plan submitted with the application state that all waste from the construction phase and the operational phase would be disposed of by a registered facility.

9.7.4. *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 '*In combination effects evaluated*' for in-combination effects with larger scale developments in the local area of the proposed development' (pages 47 & 48 Appropriate Assessment Screening Report), these include:

DCC Reg. Ref.: LRD6006/23 & ABP LH29N.317136 - Leyden's Cash and Carry, Richmond Road, Dublin 3, D03 YK12. An application was submitted on 1st March 2023 for Large-scale Residential Development (LRD) comprising the demolition of existing industrial structures on site and the construction of a mixed-use development including artist studios, a creche, a retail unit, a gym and 133 No. residential units. Currently on appeal.

DCC Reg. Ref.: 3657/21 -17 and 19 Richmond Avenue Planning permission was granted by DCC, dated the 14th of April 2022, for development at 17 and 19 Richmond Avenue, 100m to the southeast of the subject lands for 2 no. separate apartment blocks yielding a total of 27 no. apartments.

DCC Reg Ref: 4353/19 & ABP Ref.: 306562-20 - No. 17 Richmond Avenue, Drumcondra, Dublin 3 An Bord Pleanála upheld Dublin City Council's decision to refuse permission for the demolition of warehouse and construction of a five-storey building for a new 40 no. bedroom student accommodation development at No. 17 Richmond Avenue.

SHD ABP Ref.: 303296-18 - Griffith Avenue, Marino, Dublin 9 (Griffith Wood) An Bord Pleanála issued an Order to grant permission for a Strategic Housing Development at Griffith Avenue, Marino, Dublin 9, on the 27th of March 2019. The site is located within c. 1km of St. Vincent's Hospital. The Order was subject to 19 no. conditions. The development is now substantially complete and operated as a PRS scheme and known as Griffith Wood. The permitted development comprises the construction of a residential development (377 apartments and 8 five-bedroom houses). Screening undertaken concluded that significant effects on European site were not likely.

DCC Reg. Ref.: 3601/18 – No. 87 North Strand Road / Dublin City Council issued a final grant of permission on 7th December 2018, subject to 17 no. conditions, for demolition of existing structure on site & the construction of a five--storey mixed use development. The site is located to the south east of St. Vincent's Hospital and is now substantially complete.

Reg. Ref.: 2991/15 & ABP Ref.: PL29N.245745 - Lands at St. Joseph's Centre, Gracepark Road, Dublin 9 An Bord Pleanala upheld DCC's decision to grant permission in an Order dated 2nd March 2016, subject to 17 no. conditions for residential development on lands at St.

Joseph's Centre, Gracepark Road, Dublin 9.

DCC Reg. Ref.: 2945/15 No. 144 Richmond Road, Drumcondra, Dublin 3 DCC issued a final grant on 11th January 2016 subject to 22 no. conditions for 4 No. storey mixed-use development. Under DCC Reg. Ref. 2556/18, planning permission was granted on 11th October 2018 for the change of use of the 2 No. permitted commercial units to provide 1 No. 3 bed apartment (115.32 sq.m) and all associated site development works.

- 9.7.4.1. This project is taking place within the context of greater levels of construction development and associated increases in residential density in the Dublin area. This can act in a cumulative manner through surface water run-off and increased wastewater volumes to the Ringsend WWTP. Significant effects were previously screened out in the afore mentioned development at application stage. It is considered that in combination effects with other existing and proposed developments in proximity to the application area would be unlikely, neutral, not significant and localised.
- 9.7.4.2. The development is not associated with any loss of semi-natural habitat or pollution which could act in a cumulative manner to result in significant negative effects to any SAC or SPA. There are no projects which can act in combination with the development which can give rise to significant effect to Natura areas within the zone of influence.
- 9.7.4.3. The expansion of the city is catered for through land use planning by the various Planning Authorities in the Dublin area, including the Dublin City Development Plan 2022-2028. The Development Plan has been subject to AA by the Planning Authority, who concluded that its implementation would not result in significant adverse effects on the integrity of any European sites.
- 9.7.4.4. 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.

9.7.4.5. 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.

9.7.4.6. Therefore, having regard to the scale and nature of the proposed mix-use development 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.

9.8. Screening Determination

9.8.1. It is evident from the information before the Board that on the basis of the nature and scale of the proposed development on serviced lands, the nature of the receiving environment which comprises a built-up urban area, the distances to the nearest European sites and the hydrological pathway considerations, submissions on file, the information submitted as part of the applicant's Appropriate Assessment Screening report that, by itself or in combination with other development, plans and projects in the vicinity, the proposed development would not be likely to have a significant effect on the South Dublin Bay SAC (000210), North Dublin Bay SAC (000206), South Dublin Bay and River Tolka Estuary SPA (004024), North Bull Island SPA (004006), or an European Site in view of the conservation objectives of such sites, and that a Stage 2 Appropriate Assessment is not, therefore, required.

9.8.2. In reaching my screening assessment conclusion, no account was taken of measures that could in any way be considered to be mitigation measures intended to avoid or reduce potentially harmful effects of the project on any European Site. In this project, no measures have been especially designed to protect any European Site and even if they had been, which they have not, European Sites located downstream are so far

removed from the subject lands and when combined with the interplay of a dilution affect such potential impacts would be insignificant. I am satisfied that no mitigation measures have been included in the development proposal specifically because of any potential impact to a Natura 2000 site.

9.8.3. I note the applicant submitted a Natura Impact Statement (NIS). In deciding to prepare and submit a NIS the applicant states that the precautionary principle was being applied. I am of the opinion that the application of the precautionary principle in this instance represents an over-abundance of precaution and is unwarranted.

9.8.4. It is reasonable to conclude that on the basis of the information on file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on North Dublin Bay SAC (000206), South Dublin Bay SAC (000210), North Bull Island SPA (004006) and South Dublin Bay and River Tolka Estuary SPA (004024) or any European site, in view of the sites' Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a 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 9 no. residential buildings providing 811 apartments (494 no. standard designed apartments and 317 no. Build to Rent apartments), new hospital building, refurbishment and repurposing of existing buildings on site including Brooklawn (RPS Ref.: 8789), Richmond House, including chapel and outbuildings (RPS Ref.: 8788) and ancillary works on a c.9.46 hectares located at St. Vincent's Hospital, Richmond Road and Convent Avenue, Fairview, Dublin 3. The application site includes an area of the public road / footpaths (extending for approximately 0.8km) to facilitate service connections via Griffith Court, Philipsburgh Avenue and Griffith Avenue, part of the open space within Grace Park Wood to facilitate a pedestrian / cycle connection, and part of Richmond Road to facilitate service connections and associated upgrades. 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 total site area for the proposed works is c. 9.46 hectares (ha), the site location is located within an inner suburban area; the pragmatic approach is to consider the area to be 'part of a built-up area'. The proposed development does not exceed the threshold of 10 hectares under Class 10 (b)(iv). The proposed development comprises 811 no. dwelling units, and therefore the proposed development exceeds the threshold of 500 dwelling units set out in Class 10(b)(i). EIA is mandatory under this Class 10(b)(i). An EIAR has been submitted with this application. The EIAR comprises a non-technical summary, a main volume and supporting appendices. Section 1.4 set out details of contributors to the EIA Report and describes the expertise of those involved in the preparation of the EIAR. Table 1.1 of the EIAR identifies the EIA Team and the role and responsibility of each contributor, their qualifications and relevant experience are detailed.

10.2. Vulnerability of Project to Major Accidents and/or Disaster

10.2.1. 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.

10.2.2. The EIAR observes that the site is not a Seveso facility and is not within the consultation distance of any Seveso facility. The proposed development site is not located within the consultation distance of any notified establishment. Therefore, there are no implications for major accidents or hazards at the proposed development site.

10.2.3. 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.

10.2.4. The application is accompanied by a site-specific flood risk assessment, and Chapter 6 of the EIAR considers the risk of flooding. This concludes that the site the proposed development is not at risk of flooding from external sources, or as result of the proposed development and will not give rise to flooding impacts elsewhere. The proposed buildings for this development are located within Flood Zone C. Pluvial and groundwater flooding will be managed through the implementation of the drainage measures. 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.

10.3. Alternatives

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

(d) a description of the reasonable alternatives studied by the developer, which are relevant to the project and its specific characteristics, and an indication of ABP-313176-22 Inspector's Report Page 119 of 179 the main reasons for the option chosen, taking into account the effects of the project on the environment;

10.3.2. Annex (IV) (Information for the EIAR) provides more detail on 'reasonable alternatives':

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

10.3.3. Chapter 3 addressed 'Alternative Project Locations' and notes Section 4.13 of the guideline's states that "some projects may be site specific so the consideration of alternative sites may not be relevant." Additionally, the Guidelines on the Information to be Contained in Environmental Impact Assessment Reports (EPA. 2022), states that in some instances alternative locations may not be applicable or available for a specific project which is identified for a specific location. considered and the reasons for not proceeding with each.

10.3.4. The proposed development allows for the retention of the services offered by St. Vincents Hospital Fairview until the new Mental Health Facility is operational. The application site includes the existing St. Vincent's Hospital building and ancillary structures. No alternative locations for the new Mental Health Facility were considered as part of the EIA. It is argued that the proposed development site is appropriately zoned, the area of open space immediately south of the existing hospital building is reserved for the new hospital, the proposed location was deemed the most suitable for the project. Consideration of an alternative location for the Mental Health Facility would equate to a 'do-nothing' alternative for the subject site.

In the context of the aging, unsuitable hospital buildings, current planning and housing policy for the area, county and the region, the do-nothing scenario is considered to have a negative impact in terms of housing provision and associated local services and community and public open space provision. The construction and mitigation

measures presented in the EIAR represent the best practice. Having regard to the site's location and zoning objective the do-nothing scenario was discounted.

10.3.5. Alternative designs and layouts were also considered during the design process. The proposed design is the culmination of a considered design process, weighing the development opportunity of the strategic land resource and certain characteristics of the context (e.g. the mixed use urban character of Richmond Road, the buffering effect of the open space to the west of the site, etc.) against the sensitivities which also exist (e.g. the lower density residential neighbourhoods to the north and east). The proposal takes account of and responds to its varied context. The proposal was amended following receipt of the DCC LRD Opinion, which requested justification of the proposed building heights specifically in relation to sensitive receptors in the receiving environment. The proposed development has been designed to adapt and repurpose the older hospital buildings in a way that is sensitive and respectful of their value as part of the urban heritage. I am satisfied that the alternative designs and layouts have been adequately explored for the purposes of the EIAR. In the prevailing circumstances the overall approach of the applicant is considered reasonable, and the requirements of the directive in this regard have been met.

10.4. Consultations

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

10.5. Likely Significant Direct and Indirect Effects

10.5.1. The EIAR dated March 2023 comprises a non-technical summary and Environmental Assessment Report (Volume 1), Environmental Impact Assessment Report Appendices (Volume 2), Photomontages (Volume 3) and Architectural Heritage Impact Assessment and Appendices (Volume 4). Chapter 17 of the main volume addresses interactions, mitigation measures are set out in the various chapters throughout the EIAR.

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

- Human Health and Populations
- Land, Soils, Geology and Hydrogeology
- Hydrology
- Biodiversity
- Air Quality
- Climate
- Noise and Vibration
- Landscape and Visual Impact Assessment
- Archaeology and Cultural Heritage
- Architectural Heritage
- Material Assets – Traffic and Transportation
- Material Assets – Waste Management
- Material Assets – Utilities
- Interactions

10.6. Human Health and Population

10.6.1. Population and Human Health is addressed in Chapter 4 of the EIAR. The methodology for assessment is described as well as the receiving environment. The Electoral Divisions (ED) included in the Study Area are those containing or within 1 km of the Proposed Development site. This Study Area includes • Drumcondra South A (02047), • Grace Park (02058), • Drumcondra South B (ED 02048), • Drumcondra South C (ED 02049), Botanic B (ED 02028), • Whitehall D (ED 02093), • Ballybough A (ED 02009), • Ballybough B (ED 02010), • North Dock A (ED 02076), • Clontarf West D (ED 02045) and • Clontarf West E (02046). Recent demographic and socio-economic trends are examined.

- 10.6.2. The chapter considered that for the purpose of the assessment that available data on: Population; Deprivation; Life Stage; and Health Status within the Study Area provides sufficient information to establish the population sensitivity.
- 10.6.3. The EIAR notes that the study area has seen population growth between the 2011 and 2016 census. The Pobal HP Deprivation Index shows the area be 'Marginally Below Average' to 'Affluent' indicating a Low to Moderate Population Sensitivity (Deprivation) within the study area. There is a low age dependency ratio, therefore a large proportion of the population is within working age, thus considered as largely independent and judged to be not sensitive to change. The population within the study area is therefore not particularly sensitive to change, with a ranking of low to medium sensitivity.
- 10.6.4. The closest neighbouring sensitive properties to the proposed development are the residential dwellings at Grace Park Wood residential development to the northwest; Griffith Court, the 'Fairview Community Unit' nursing home, Fairview Day Centre, Gheel Autism Services and a graveyard to the north; the An Post Fairview Delivery Service Unit on Lomond Avenue and residential properties on Inverness Road to the east; existing residential and commercial properties on Richmond Road and Convent Avenue to the south and Charthouse Business Centre, Dublin Port Stadium / Stella Maris FC, and Ierne Sports and Social Club to the west of the site.
- 10.6.5. The EIAR noted that following an analysis of education, childcare and school capacity the potential demand generated from the proposed development can easily be absorbed by the available capacity in the area.
- 10.6.6. During the construction phase it is likely that there would be indirect direct positive effect for the local economy. The main negative effects would be in relation to air quality, noise and vibration, visual effects and traffic. The predicted impact during the construction phase is short-term, neutral and imperceptible. During the operational phase the scheme would contribute to the population growth and would have a positive impact on employment, open space and community facilities. The predicted impact during the operational phase is long-term, neutral and imperceptible with respect to the operational phase in terms of human health impacts.
- 10.6.7. Cumulative Impacts with other projects are outlined in Section 4.9. It is considered that there is no potential for significant impact as a result of the proposed development.

10.6.8. I am satisfied that potential effects would be avoided, managed, and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects on population and human health.

10.7. Land, Soils, Geology and Hydrogeology

10.7.1. Section 5 of the EIAR addresses land, soil, geology and hydrogeology. The methodology for assessment is described as well as the receiving environment. Site investigation works were carried out between September and November 2021. A Geophysical Survey Report is provided in Appendix 12.5.

10.7.2. The bedrock is identified as a combination of dark limestone and shale. The depth to rock across the site varies from 15.5m BGL to a maximum of 22.5m BGL. To the northern part of the site which has a higher ground level the rock was encountered between 19.0m and 22.50m. On the southern part of the site the rock was encountered between 15.50 and 16.50m. The basements construction will require excavations down to the lowest formation level of c. 4.5 m below ground level. It is anticipated that the general development site works, and excavation proposals will not impact on the water status of the underlying bedrock aquifer long-term and as such will not impact on trends in water quality and overall status assessment.

10.7.3. Teagasc soil maps classify the soil type in the surrounding vicinity of the subject site as predominantly / primarily made ground due to the urban and central location. A localized zone of alluvium soil underlies land along the banks of the Tolka River, directly southeast of the site. Excavations and levelling of the site to the necessary base level for construction will require the excavation of an estimated 110,000 m³ of top soil, subsoils and stones. The majority (but not all) of the topsoil stripped from the site will be re-used on site for backfill (levels in some areas need to be raised) and landscaping with some export required. Any surplus topsoil material will be transported off site and disposed of at a fully authorised soil recovery site. It is anticipated that the impact on soils arising from the construction phase will be negative, temporary and not significant.

10.7.4. There is a potential risk of localised contamination of the land and soils due to the accidental release of diesel fuel or similar hazardous materials during the construction

phase. The CEMP sets out the proposed procedures and operations to be utilised on the proposed construction site to protect water quality. The mitigation and control measures outlined in the CEMP will be employed on site during the construction phase. All mitigation measures outlined here, and within the CEMP will be implemented during the construction phase, as well as any additional measures required pursuant to planning conditions which may be imposed.

- 10.7.5. The completed scheme would negate the initial negative impact from the construction phase and would protect the exposed soils from ongoing weathering and erosion. No indirect impacts on the land and soils are predicted for the operational phase.
- 10.7.6. No cumulative impacts were identified during the construction or operational phase.
- 10.7.7. I am satisfied that potential effects would be avoided, managed, and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct, indirect or cumulative effects on land, soil, geology and hydrogeology.

10.8. Hydrology

- 10.8.1. Chapter 6 of the EIAR deals with hydrology. The methodology for assessment is described as well as the receiving environment. My assessment of Flood Risk in Section 8.6 above also considers these matters and I refer the Board to same.
- 10.8.2. The Tolka River runs c. 110m south of the site. There is no direct hydrological connection between the site and the Tolka River. However, there is an indirect connection to the Tolka River through surface water drainage on the existing site. flows The Tolka River flows in an easterly direction and provides a direct and natural hydrological connection to Dublin Bay. There are no water courses identified on the EPA maps within the proposed development site.
- 10.8.3. The foul and surface water drainage from the existing buildings on site drains to a combined drainage system within the site which discharges to the combined sewer on the Richmond Road. The combined sewer drains towards the Dodder River and ultimately discharges into Ringsend Wastewater Treatment Plant. Records indicate an existing 525 mm concrete storm water sewer within the site boundary. This sewer flows in the southerly direction towards Richmond Road before discharging to the 1350

mm sewer on Richmond Road. This storm sewer discharges to the Tolka River immediately downstream of the site.

- 10.8.4. The overall development is to be separated into 2 no. individual gravity wastewater catchments and is to be drained by a gravity wastewater network, based on the natural topography of the development site. The proposed foul drainage system will be designed to take discharges from the new hospital and residential units.
- 10.8.5. The proposed development is to be served by a sustainable drainage system that is to be integrated with the developments landscaping features and is typically to comprise green roofs, blue podium, intensive landscaping, pervious paving and filter drains, rain gardens, infiltration basins, trapped road gullies, flow control devices, attenuation storages. The overall development is divided into a number of surface water sub catchments as a result of the natural topography, site layout, and other site constraints. All surface water runoff is to be attenuated and treated within the new development site boundary, before ultimately discharging to the existing public surface water network on Richmond Road.
- 10.8.6. Depending on the stage of construction, the disposal of water (required for basement excavation and general site water management) will occur to; to surface water (via the storm water network to the Tolka River); or to Ringsend WWTP (via the combined foul wastewater network). The discharge to surface water sewer is subject to agreement with Dublin City Council (DCC); and the discharge to the combined foul sewer are subject to agreement with Irish Water (IW). The quality of discharged water to the foul and storm network is expected to be compliant with respective licence conditions following treatment and management. A staged treatment system (treatment-train) will be in place during construction works that will ensure the quality of the discharge water to foul sewer and storm sewer is maintained. In case of any exceedances of the discharge permit parameters, water will be retreated on site, or disposed of to a licenced facility.
- 10.8.7. The Site Specific Flood Risk Assessment indicates that the site is not at a significant risk from flooding and would not create a significant risk to adjoining areas or downstream. The importance of the hydrological features at this site is rated as 'medium Importance'.

- 10.8.8. During the construction phase of the proposed development there are several potential processes that could impact the existing surface water, foul water and watermain networks, however, these would be mitigated against by measures outlined in Section 6.6 and elsewhere in the EIAR. The potential impact on the surface water and hydrology during construction is considered to be neutral, imperceptible and short-term.
- 10.8.9. During the operational phase the site would be served by existing water supply and foul water network. There no discharges to any open water courses. There will be an increase in hardstanding area associated with the development area. This will have a minor effect on local recharge to ground. However, the surface water network has been designed to provide sufficient capacity to contain and convey all surface water runoff. The residual effect on surface water flow and quantity during the operational phase is considered to be neutral, imperceptible and long-term.
- 10.8.10. The residual cumulative construction impact of the proposed development in combination with other planned or permitted developments is considered to be neutral, imperceptible and short-term. The residual cumulative operational impact of the proposed development in combination with other planned or permitted developments is considered to be neutral, imperceptible and long-term.
- 10.8.11. I am satisfied that subject to the implementation of the measures described in the EIAR the proposed development would not be likely to have a significant effect on water. With regard to cumulative impacts, no significant cumulative impacts on the water environment are anticipated.

10.9. Biodiversity

- 10.9.1. Chapter 7 of the EIAR addresses biodiversity. The biodiversity 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 above, the proposed development was considered in the context of any site designated under Directive 92/43/EEC or Directive 2009/147/EC.
- 10.9.2. Concerns are raised by third parties that the submitted information does not address all issues.

10.9.3. A pre-survey biodiversity data search was carried out in March 2021 and updated in March 2023. This included examining records and data from the National Parks and Wildlife Service (NPWS), National Biological Data Centre (NBDC) and the Environmental Protection Agency (EPA), in addition to aerial, 6-inch maps and satellite imagery. Habitat surveys of the site were undertaken within the appropriate seasonal timeframe for terrestrial fieldwork. Field surveys were carried:

Field surveys	Surveyors	Survey Dates
Wintering Birds	Niall Keogh	Six survey visits to the site between 22 nd January and 23 rd March 2021
Wintering Birds	Hugh Delaney	14 winter bird surveys September 2021 and March 2022 9 wintering bird surveys October 2022- March 2023
Bat Survey	Bryan Deegan (Altamar)	27 th April 2021, 16 th September 2021, 28 th September 2022 (Static Detector 16-24 th September 2021)
Mammal	Bryan Deegan (Altamar)	27 th April 2021, 28 th September 2022
Terrestrial and avian Ecology	Bryan Deegan (Altamar)	27 th April 2021, 16 th September 2021 and 28 th September 2022,

10.9.4. Approximately 35% of the site consists of Built Land (Fossitt 2000). This consists primarily of buildings, roads, hard standing. The site is well maintained with evidence of herbicide use. Several areas of scrub were noted on site. These are as a result of a natural succession and encroachment from grassland, to primarily bramble (*Rubus fruticosus* agg.) dominated scrub, particularly along the field boundaries.

10.9.5. Scattered across the site are small areas of Scattered trees and parkland. These are highly managed areas with short grass. Species in these areas included holly (*Ilex aquifolium*), western red cedar (*Thuja plicata*), ash (*Fraxinus excelsior*), horse chestnut (*Aesculus hippocastanum*), common lime (*Tilia x europaea*), London plane (*Platanus x hispanica*), sycamore (*Acer pseudoplatanus*), cherry (*Prunus* sp), copper beech (*Fagus sylvatica*), Lombardy poplar (*Populus nigra* 'Italica').

10.9.6. *Invasive Species*: In 2021 a specimen of giant hogweed (*Heracleum mantegazzianum*) was noted on site and immediately treated. It was not observed in the 2022 survey.

10.9.7. *Bats*: Foraging activity of three species (soprano pipistrelle (*Pipistrellus pygmaeus*), Leisler bat (*Nyctalus leisleri*) and common pipistrelle (*Pipistrellus pipistrellus*) were

noted on site. No bats were noted emerging from buildings or trees on site. No evidence of bats roosting was noted on site. The removal of the trees on site will result in a loss of foraging areas and a loss in potential bat roosts and artificial light has the potential to disturb bat species. The proposed lighting plan should not significantly impact the bat species that will utilise the retained treelines. The mitigation measures outlined in Section 7.6 also indicate that 10 bat boxes would be provided within the scheme. A pre-construction inspection for bats will be carried out on buildings to be demolished or existing buildings that are to be upgraded. If bats are found roosting on site during the pre-construction inspection a derogation licence will be required from the NPWS. With the implementation of appropriate mitigation measures no significant impacts on are likely.

10.9.8. *Mammals*: The survey yielded few signs of mammals other than foxes. A camera trap was put in place for 3 weeks (28th September-October 17th, 2022) proximate to a large burrow to determine if badgers were using the burrow. No mammals were noted using the burrow over the three-week period. The overall impact of the development on common species is considered as not significant.

10.9.9. *Amphibians/Reptiles*: The common frog was not observed on site. There are no features within the site boundary that could be important to frogs. The common lizard or smooth newt were not recorded on site.

10.9.10. *Birds*: Species recorded that are red listed as wintering species of conservation concern included Curlew, Redshank, Oystercatcher, Snipe and Redwing, only Snipe and Redwing were recorded foraging on-site, albeit in very small numbers. The remaining species and other amber listed species (such as Brent Geese and Gull species) were all only recorded passing above the site. No birds of conservation importance were nesting on site. Herring gull were not nesting on site but, there is potential that herring gull could potentially nest on site. During construction buildings will be created with increased heights and cranes will be present on site. Based on the wintering bird assessments that were carried out over 2.5 years the proposed development site is not an important ex-situ site for qualifying interests of proximate SPA's and is not associated with important flightlines of these species.

With regards to the height and location of the buildings, the site is not an important area for breeding birds. The site does possess low numbers of common passerine

species. It is not located along an important migratory route for bird species, and the proposed development does not pose a significant collision risk for bird species. Bird collision with buildings is generally associated with reflective material (primarily glass) and potential fly through situations. The design of the proposed buildings includes portions of glazing and with additional materials including concrete. The design includes landscaped areas that may be proximate to the glazed areas. This may result in a low level of mortality at a local level but, this is not deemed to be of significance. The removal of scrub and trees on site will result in the removal of nesting and foraging habitat for birds. The landscape plan has been designed in consultation with the ecologists to provide additional nesting and foraging resources for birds on site. Swift boxes have been included into the building design where feasible on site. Potential Effects: Slight effects / site / Negative effect / Not significant / short term/likely. Mitigation is needed in the form of a pre-construction survey in relation to nesting birds if constructed during nesting season.

10.9.11. *Terrestrial Mammalian Species*: No protected terrestrial mammals were noted on site.

10.9.12. *Flora*: No rare plant species, or plant species of conservation value were noted during the field assessment.

10.9.13. No cumulative effects are foreseen.

10.9.14. Having regard to the present condition of the site, with no special concentrations of flora or fauna, I am satisfied that the development of the site and the proposed landscaping and planting provides greater benefits in terms of biodiversity. I draw 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.

10.10. Air Quality

10.10.1. Air Quality is outlined in chapter 8 of the EIAR. The methodology for assessment is described.

10.10.2. With regard to the construction stage the greatest potential for air quality impacts is from dust emissions. Impacts can also occur as a result of vehicle and machinery emissions. The risk of dust impacts for each activity as a result of the proposed development are summarised in Table 8.12 of the EIAR. The magnitude of risk

determined is used to prescribe the level of site-specific mitigation required for each activity in order to prevent significant impacts occurring. The proposed development has been assessed as having a high risk of dust soiling impacts and a medium risk of dust related human health impacts during the construction phase as a result of demolition, earthworks, construction and trackout activities. Any potential dust impacts can be mitigated through the use of best practice and minimisation measures which are outlined in Section 8.6 of the EIAR. Therefore, dust impacts will be short-term and imperceptible at all nearby sensitive receptors.

10.10.3. In terms of the operational phase the proposed development and associated open spaces would not accommodate activities that would cause emissions that would be likely to have significant effects on air quality. The local air quality modelling assessment of operational phase traffic concluded that levels of traffic-derived air pollutants resulting from the development will be neutral. Overall, the potential impact of the proposed development on ambient air quality in the operational stage is considered long-term, localised, neutral, imperceptible and non-significant.

10.10.4. There are no significant cumulative impacts to air quality predicted for the construction or operational phases.

10.10.5. Subject to would not have any unacceptable direct or indirect impacts in terms of air quality the implementation of the measures described in the EIAR, I am satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of air quality.

10.11. Climate

10.11.1. Climate related impacts are outlined in chapter 9 of the EIAR. The methodology for assessment is described.

10.11.2. There is the potential for a number of greenhouse gas emissions to atmosphere during the construction of the development. During the construction stage the main source of climate impacts will be as a result of GHG emissions and embodied carbon associated with the proposed demolition of existing buildings and construction materials and activities for the proposed refurbishment and new buildings. Specific items have been identified within the Demolition Justification Report and it has been detailed whether these can be salvaged and re-used on site or if they are suitable for salvage and re-use off site by providing them to a salvage merchant. Section 6 of the Demolition

Justification Report details the embodied carbon mitigation measures required for the demolition phase of the development. The predicted embodied carbon of 18,166 tCO₂eq for the proposed development is approximately 0.029% of Ireland's total national CO₂ emissions in 2021. Therefore, the potential impact on climate from embodied carbon is considered insignificant, negative and long-term.

10.11.3. The proposed development is not predicted to significantly impact climate during the operational stage. Increases in traffic derived levels of CO₂ have been assessed against Ireland's EU GHG targets. Changes in CO₂ emissions are significantly below the EU targets and therefore the climatic impact in the operational stage is considered neutral, long-term and imperceptible in relation to traffic emissions.

10.11.4. Regarding cumulative impact the EIAR states that *“by presenting the GHG impact of a project in the context of its alignment to Ireland's trajectory of net zero and any sectoral carbon budgets, this assessment will demonstrate the potential for the project to affect Ireland's ability to meet its national carbon reduction target. Therefore, the assessment approach is considered to be inherently cumulative”*.

10.11.5. The proposed development has been designed to minimise the impact to climate where possible during operation. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of climate.

10.12. Noise and Vibration

10.12.1. Chapter 10 of the EIAR deals with noise and vibration. The methodology for assessment is described. A desk study was undertaken and included review of available published data. An environmental noise survey has been conducted at the site in order to quantify the existing noise environment. The survey/s were conducted in general accordance with ISO 1996: 2017: Acoustics – Description, measurement and assessment of environmental noise. The lowest background noise level at the boundaries of the site were determined through baseline noise surveys. Average background noise levels during the day were in the range 45 dB LA_{90,T} whilst average night time levels were 40 dB LA_{90,T}. Details of the locations are provided in Figure 10.3 and Figure 10.4 of the EIAR. Prevailing noise levels in the locality are primarily due, road traffic noise from Richmond Road, birdsong and faint ground works around the hospital, local road traffic, human activity and birdsong.

- 10.12.2. The highest potential noise and vibration impact of the proposed development will occur during the construction phase due to the demolition of various buildings, the operation of various plant machinery used to construct the various phases in addition to Heavy Goods Vehicles (HGVs) movement to, from and around the site. However, impacts during this phase are short-term in duration.
- 10.12.3. The site is located within an existing urban area and there are noise sensitive receptors (existing residential properties) at the site's boundaries. Details of which are provided in Section 10.5.1 and identified in Figure 10.8 of the EIAR.
- 10.12.4. The demolition and construction phase will involve intrusive works and high noise activities, utilities and structural works, substructure and lower noise activities and there is the potential for some temporary significant noise impacts at the closest receptor when intrusive works are undertaken. In the event of the two construction phases of the proposed development overlapping predicted construction noise levels within Section 10.5.1 of the EAIR will rise by the order of +3 dB. While it is acknowledged that the proposed construction phase would cause noise and disturbance the works would be temporary, and it is noted that the majority of the construction works will take place at significant distances from the receptors and within controlled hours. Therefore, no significant impacts are predicted. The use of best practice noise control measures, hours of operation, scheduling of works within appropriate time periods, strict construction noise limits and noise monitoring during this phase will ensure impacts are controlled to within the adopted criteria.
- 10.12.5. The main potential source of vibration during the construction programme is associated with piling and any initial ground breaking or demolition activities. Vibration measurements were conducted during various staged activities and at various distances. Vibration magnitudes associated with this activity are well below those associated with any form of cosmetic damage to buildings. There is potential for a brief, negative and moderate impact for building occupants within 20m of this activity using a 6 Tonne Breaker or equivalent. The impacts, however, are significantly reduced in terms of human response once the source of vibration is known and good communications are in place. Vibration impacts will be controlled through the use of low impact equipment and adherence to strict limit values which will be subject to monitoring at the nearest sensitive buildings.

- 10.12.6. During the operational phase, the predicted change in noise levels associated with additional traffic in the surrounding area required to facilitate the development is predicted to be of no significant impact along the existing road network with neutral, not significant and long-term impact to nearby residential locations. Furthermore, at the detailed design stage, best practice measures relating to building services plant will be taken to ensure there is no significant noise impact on NSLs adjacent to the development. No significant sources of vibration are expected to arise during the operational phase of the development. Noise and vibration levels associated with operational plant are expected to be well within the adopted noise limits at the nearest noise sensitive properties.
- 10.12.7. Potential cumulative impacts have been examined. Mitigation measures are proposed for both the construction and operational phases in relation to noise and vibration.
- 10.12.8. I am satisfied that the proposed mitigation measures and through suitable conditions impacts would be avoided, managed and mitigated. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of noise or vibration.

10.13. Landscape and Visual Impact Assessment

- 10.13.1. Chapter 11. of the submitted EIAR deals with landscape and visual. The methodology for assessment is described and the receiving environment is described. The environmental impacts from the proposed development are detailed in the EIAR, to avoid repetition and to be clear, I have assessed in detail the impact of the scale and height of the proposed development on the urban environs of the site from an urban design and planning context in the planning assessment of my report.
- 10.13.2. The lands are not recorded as a high value landscape. They are located in an urban context within an established residential neighbourhood of Fairview. It is a unique brownfield site, and its present character is defined by St. Vincent's Hospital and associated institutional lands. Third parties have raised concerns about the negative visual impact of the development. The EIAR notes that the sensitivity of the receiving townscape setting is Medium noting the diverse nature of the receiving environment. A series of 33 no. photomontages were submitted, together with some CGIs. A Landscape and Visual Impact Assessment (LVIA) was also undertaken. I refer the Board to Table 11.7 of the EIAR.

- 10.13.3. The site topography is one of its key characteristics. The north field and St Vincent's Hospital complex are elevated and there is a short, steep fall from these areas down to the lower field, the hospital garden, the east field and the Richmond Road frontage. The north field will provide panoramic views south over the city. The site contains several protected structures, including Richmond House, Brooklawn House and several buildings forming part of St Vincent's Hospital. There are no designations (such as Conservation Area or Architectural Conservation Area) affecting the site. In addition, there are a number of mature trees on site, the greatest concentration of mature, high value trees is in the hospital garden and around the east field to the south of the existing St Vincent's Hospital complex.
- 10.13.4. In summary, the site is part of an urban landscape of diverse character, including the mixed-use Richmond Road corridor, sensitive 19th and 20th century residential streets and estates of suburban character, and modern mixed and higher density developments. There are several examples of 21st century urban consolidation on previously institutional or industrial sites in the area (e.g. the cluster of Richmond Hall, Weir House, Riverview and the Lofts apartments, Griffith Wood in Marino, and Grace Park Wood). There is a concentration of sports facilities in the area (including the Ierne Social and Sports Club and Dublin Port Stadium adjacent to the site, Tolka Park and Belvedere Rugby Ground). Extensive institutional lands/uses remain, including the site itself. In this diverse receiving environment, there is varying sensitivity to the type of development proposed.
- 10.13.5. During the construction phase the site and immediate environs would be disturbed by construction activities and haulage and the incremental growth of the buildings on site, with indirect effects on the setting of the existing area. Any development on a large site would naturally result in a considerable visual impact and material change to the landscape character of the site. The construction phase of the development would be visually unappealing during the initial stages and as the development progresses the visual impacts would be lessened. Therefore, the significance of the effects would also vary, although they would typically be moderate or negative during construction but temporary. Such temporary negative effects are unavoidable and not unusual in the urban context where change is continuous. Given the importance of the existing trees to be retained on site, particular attention should be paid during construction to the

tree protection and monitoring measures recommended in the Tree Protection Strategy.

- 10.13.6. On completion the proposed development would represent a marked and comprehensive change to the site from an insular institutional site to a significant urban development comprising 9 no. blocks ranging in height from 4 – 13 (11 – I refer the Board to Section 8.2 of this report) storeys with associated development. It is unavoidable that a high density development on a site of close to 9 ha in a mixed but predominantly low density urban area will have some significant effects on the landscape and views. The assessment has found that the majority of the receiving environment would experience positive or neutral effects.
- 10.13.7. The EIAR notes that only at two locations, Viewpoint 23 (Grace Park Close) and Viewpoint 25 (Griffith Court) would a negative visual effect be experienced. These effects are already mitigated by measures embedded in the design. The current proposal represents another phase in the evolving context of the general area and the ongoing consolidation and densification of the wider suburban areas of the City line with current planning policy. While it is acknowledged that the proposed development would introduce new features in the skyline, I am satisfied that the development does not represent an overt negative visual change to the urban setting. The design of the proposed development and the planting contained throughout the scheme will work to integrate the development into the wider urban landscape. In addition, the subject site is zoned for development and the proposed development is therefore not an unexpected addition to the area.
- 10.13.8. With regard to cumulative impact, the area most significantly affected by cumulative effects would be the stretch of Richmond Road approaching and passing by the site from both sides (east and west). To inform consideration of potential in combination effects, massing models of the Richmond Road SHD and Leydens LRD schemes were inserted into the photomontages. Nine of the 33 no. views (Viewpoints nos. 03, 06, 07, 10, 16, 19, 31, 32, 33) would be affected by ‘in combination’ effects. This area includes a row of houses opposite the Leydens LRD site and just to the west of the existing Crannog day care hospital (where the entrance plaza in front of Block A is proposed). People travelling along the road would pass in between two new high density residential developments, and together they would change the character of views in this area, and the townscape character of the Richmond Road corridor.

The proposed development, whether in conjunction with the proposed re-development of existing protected structures within the overall masterplan lands, or collectively with external developments, would result in significant townscape and visual cumulative impacts. Any such cumulative impacts must be considered in the context of the changing environment of the area. Overall, it is considered that the development in terms of siting, form, and design will not give rise to any significant adverse townscape, visual or cumulative impacts on the wider urban landscape. The change is not considered inappropriate.

10.13.9. I have considered all of the written submissions made in relation to landscape and visual impact and considered in detail the urban design and placemaking aspects of the proposed development in my planning assessment above. From an environmental impact perspective, I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of the layout and design of the proposed scheme. I am, therefore, satisfied that the proposed development would have an acceptable direct, indirect, and cumulative effects on the landscape and on visual impact.

10.14. Archaeology and Cultural Heritage

10.14.1. Chapter 12 of the EIAR addresses Cultural Heritage and Archaeology. The methodology for assessment is described and the receiving environment is described. The proposed development area is located at St. Vincent's Hospital Fairview, Dublin 3. There is one recorded monument within the proposed development area, the site of a castle DU018-017, which is marked within early 19th century mapping but does not possess any above ground remains. The zone of notification for this monument encloses a large portion of the southern extent of the proposed development area. There are seven additional archaeological sites within 250m of the proposed development.

10.14.2. An archaeological geophysical survey was carried out across the proposed development area in May 2021. Whilst no geophysical anomalies of archaeological potential were identified in any of the areas surveyed, it was noted that the extensive modern disturbance may mask more subtle responses and archaeological features may remain undetected. Extensive archaeological monitoring of site investigation works was carried out within the proposed development area in April and May 2021.

A total of 49 test pits, foundation pits, slot trenches and soak away pits were excavated across the proposed development area and nothing of archaeological potential was discovered during this investigation.

- 10.14.3. There is a potential for previously unknown features associated with recorded monument (DU018-017), Richmond Castle to survive below ground within the relatively undisturbed green spaces in the southern portion of the site. In the absence of mitigation, there may be a direct moderate to very significant, negative impact on surviving archaeological remains caused by ground works associated with the proposed development in this area. It is also possible that archaeological remains may survive within the relatively undisturbed areas of the proposed development. These may include features associated with the former demesne landscapes and gardens, as well as earlier features. A number of Archaeological conditions were recommended for inclusion by the DCC Archaeologist, these conditions should be attached to any grant of permission. I refer to Board to section 8.9.1 of this report.
- 10.14.4. There are no predicted impacts to any archaeological assets during the operation of the proposed development.
- 10.14.5. With regard to the sites cultural heritage St. Vincent's Hospital Central, as a complex of historic structures of social history significance (with some modern additions/alterations) within a designed landscape, will be affected by the construction of the proposed development due to alterations to some of the existing structures and construction within what was a private designed setting including the southern demesne wall associated with Drumcondra Castle. The impact on the existing campus, from a cultural heritage perspective is considered to be direct, negative and moderate. To mitigate against the impact aspects of the landscape have been retained including the hospital buildings, Richmond House and gate lodge, gardens and outbuildings. With regards to Dublin Port Stadium and Ierne Sports and Social Club and Terraced housing to the east, slight indirect negative impacts are possible as a result of the alteration to setting arising from the operation of the proposed development. However, having regard to the above and as the architectural heritage of the site will be accessible to the public during the operational phase the impact on cultural heritage is considered to be moderately negative. It is noted that detailed mitigation is provided in Chapter 13 in relation to the architectural heritage resource and historic landscape.

- 10.14.6. There are no predicted cumulative impacts to the archaeological or cultural heritage resource.
- 10.14.7. From an environmental viewpoint, I am satisfied that Cultural Heritage – Archaeology has been appropriately addressed in terms of the application and the information submitted by the applicant and that no significant adverse direct, indirect or cumulative effects are likely to arise.

10.15. Architectural Heritage

- 10.15.1. Chapter 13 of the submitted EIAR addresses Architectural Heritage. Volume 4 of the EIAR includes the Architectural Heritage Impact Assessment and Appendices. The methodology for assessment is described and the receiving environment is described. The environmental impacts from the proposed development are detailed in the EIAR.
- 10.15.2. Chapter 13 sets out the evolution of the Architectural Heritage on site. Figure 13.16 of the EIAR includes a map of site today showing historic structures and features on the proposed development site. Desktop research and site surveys have been undertaken.
- 10.15.3. The key components of Architectural Heritage on the site are identified as the 18th Century properties of Richmond Convent, Richmond House, Brooklawn and their garden grounds. These and the other remaining buildings and features on the site date from between 1760 and 1994 and are listed as follows:
- Richmond Convent [former private house, then convent, now hospital] RPS Ref. 2032 [St. Vincent's Hospital old house/convent, including plastered extension to the west, including entrance porch to convent. Two-storey over garden level brick building (with granite steps and entrance door surround) on south front. Four-storey pedimented brick pavilion, with stone trimmings, to the west (including granite balustrading at parapet level). Railings in front of convent building on north side - description applies to C and D below]. Earliest parts dating from between 1770 and 1790 and extended in 1830s.
 - Convent Chapel, built circa 1856.
 - Hospital Building RPS Ref: 2032. Designed by John Sterling Butler in 1860 with later additions c. 1900 and in 1994.

- Hospital Building part of which is under RPS Ref: 2032. Possibly designed by W.H. Byrne c. 1880, extended in 1960 and 1979 to form the Freeman Wing.
- Laundry Building, built to support the hospital c. 1880 and extended c. 1930.
- Rose Cottage and Entrance Gate built c. 1910 on the site of an earlier gate lodge. Gate piers date from later 20th C.
- Richmond House RPS Ref: 8788 [to include former chapel and courtyard with outbuildings], built 1760, possibly on or near the site of an earlier 'castle' [RMP Ref: DU018-017]
- Brooklawn [Also 193 Richmond Road] RPS Ref: 8789 [bow-fronted House, with 19th century red brick wall to its western boundary and two gate piers], built c. 1760 and altered during 19th and 20th centuries.
- Boundary walls and railings relating to historic plot boundaries and enclosures dating from 1780s to early 1900s, referred to in NIAH Ref: 50120275 for the hospital complex. J. Sister's Burial Ground, dating from c. 1820.
- Cast Iron Colonnade, Richmond House Garden dating from early 20th C.
- Statuary dating from c. 1880 of St. Vincent De Paul; house in 20th C shelter.
- Outbuildings to the north of the hospital, early 1900s [proposed for full demolition].
- St. Teresa's Ward, designed by W.H. Byrne c. 1900 [proposed for full demolition].
- Nurses Training School, built in 1983 [proposed for full demolition].

10.15.4. Section 57(10)(b) of the Planning and Development Act 2000 (as amended) states: "*A planning authority, or the Board on appeal, shall not grant permission for the demolition of a protected structure or proposed protected structure, save in exceptional circumstances.*" Accordingly, as the proposed development includes a proposal for the demolition of certain curtilage structures and features of protected structure RPS Ref.: 2032, the Board must consider and determine whether exceptional circumstances exist which allow the granting of planning permission, in accordance with section 57(10)(b) of the Planning and Development Act 2000 (as amended)

10.15.5. The Development Plan states in Section 11.5.1 / Policy BHA3, that planning permission for the demolition or substantial demolition of a protected structure will only be granted in exceptional circumstances. With regards to demolition, the Development

Plan states that it may be permitted where it will secure substantial public benefit or where there is no other viable option. *“It is accepted that in some circumstances, the loss of a protected structure may be the only option and this may be permitted where it will secure substantial public benefit or where there is no other viable option.”*

Demolition Works

- 10.15.6. The proposal includes the demolition of existing structures on site with a GFA of 5,872 sq.m, including the (1) westernmost range of the hospital building, which includes St. Teresa’s and the Freeman Wing, (2) extensions to the south and north of the main hospital building, including the conservatory extension, toilet block extension, an external corridor, toilet core, lift core, and stair core (which are all part of / within the curtilage of RPS Ref.: 2032), (3) hospital buildings and outbuildings located to the north of the existing main hospital building, (4) St. Joseph’s Adolescent School building located in the southeast of the site, (5) Crannog Day Hospital building located in the southwest of the site, and (6) extensions to the Laundry building and Rose Cottage. I refer to Board to Drawing No. SVRF-STW-ST-ZZ-DR-A-022101 Existing/Demolition Site Plan which identifies all demolition works proposed, location and floor area and Fig. 1 Pg. 7 of Volume 4 of the EIAR which includes an aerial image showing buildings proposed for demolition highlighted in red.
- 10.15.7. The proposed development provides for the reuse of the existing hospital building (part of which is a protected structure under RPS Ref.: 2032) and other existing buildings and ancillary structures on the site, including Brooklawn (RPS Ref.: 8789), Richmond House (RPS Ref.: 8788), the laundry building and Rose Cottage (NIAH 50120275). Richmond House and associated structures (RPS Ref.: 8788), Brooklawn (RPS Ref.: 8789), Rose Cottage and the laundry building will be refurbished for hospital administration use. Regarding minor demolition works associated with these structures including internal works, I am satisfied that these works are minor and do not compromise the character of the structures. External demolition works relate to later additions that detract from the original character of these structures and their demolition will restore, define and highlight their original architectural character. Any internal works are considered minor and acceptable to ensure the structures remain in active use. The approach is consistent with the Architectural Heritage Protection Guidelines (2011) which acknowledge the *“there may be cases where an existing addition is of little architectural quality, or is even damaging, to the original architectural*

design.... Partial demolition may be permitted in such cases, providing it can be achieved without any adverse structural or architectural impact on the protected structure”.

10.15.8. For clarity St. Joseph’s Adolescent School building located in the southeast of the site and Crannog Day Hospital building located in the southwest of the site are modern structures of no architectural merit.

10.15.9. The proposed demolition of the westernmost range of the hospital complex, St. Teresa’s Ward and a number of later additions to the protected structures (all part of / within the curtilage of RPS Ref.: 2032), on site will represent a significant loss of historic fabric and will alter the current form of the hospital complex. The circumstances and justification for the demolition is outlined in section 7.5 of Volume 4 of the EIAR. The assessment considers structures proposed for complete demolition to be within the curtilage of these protected structures. I have summarised the need for demolition - analysis of exceptional circumstances for clarity below:

Structure / feature to be demolished	Summary analysis of the exceptional circumstances arising
Demolition of the westernmost wing of Hospital	<ul style="list-style-type: none"> • Not in active use by the hospital • It has been determined by the design team that refurbishing the existing buildings on the site proposed for demolition would not result in the delivery in the sufficient quantum of units which is required to fund the new hospital. • The conservation of the protected structures will represent a considerable cost outlay. Risk that new hospital may not be built. • Facilitates permeability and access to new central park.
Demolition of the Freeman Wing building	<ul style="list-style-type: none"> • Compromises the quality of the shared open spaces proposed. • Structure has been altered significantly and is predominantly obscured by the Freeman Wing which was added in the 1970s and is incongruous to the setting,

	<p>compromising the group value of the range of hospital buildings.</p>
<p>Demolition of St. Teresa's Ward</p>	<ul style="list-style-type: none"> • Not in active use and was last used as hospital accommodation in 2014. • Analysis was undertaken by STW and it was not deemed feasible to retain the structure and simultaneously form the essential visual connection and necessary infrastructure routes to support this public amenity which is central to the development. • The demolition is required in phase 1 to allow for access to the hospital complex buildings for their refurbishment.
<p>Removal of later additions to the protected structure Hospital Buildings [RPS Ref.: 2032] including the conservatory extension, toilet block extension, an external corridor, toilet core, lift core, and stair core</p>	<ul style="list-style-type: none"> • It is proposed to remove a number of structures and features which are considered to be inappropriate later additions. • Removing these structures creates the opportunity to expose original features. • Improve accessibility and site permeability.
<p>Demolition of the Outbuildings and Nurse Training School to the north of the protected structure</p>	<ul style="list-style-type: none"> • Required in phase 1 to allow for access to the hospital complex buildings for their refurbishment. • Analysis was undertaken STW and it was not deemed feasible to retain and simultaneously form the essential visual connection and necessary infrastructure routes to support this public amenity which is central to the development. • The development needs to achieve a minimum amount of public open space which would not be achievable while retaining these buildings

10.15.10. I am satisfied that the demolition works have been justified having regard to Section 57 of the Planning and Development Act 2000 (as amended) and the provisions of the

Development Plan. Site inspection confirmed that some of the demolition works relate to ad hoc extensions and additions to the structures over time as needs and demands required and the use of the various buildings evolved with little regard to the impact on the character of the protected structure. The removal of these additions will serve to enhance the character of the structures. Regarding the western most end of the hospital the architectural merit and context of this block has been lost by the addition of the Freeman wing to the south and later additions to the structure itself. The wing proposed for demolition is of historical and architectural value but is mirrored on the opposite side - so the demolition does not represent a permanent loss of architectural detail. Similarly, demolition of the 1970's Freeman wing is acceptable as this structure is considered to have low historic and architectural significance. The loss of the 1980's Nurse's Training School is not considered significant as the building is not of architectural merit.

10.15.11. The demolition of St Teresa's will represent the most significant loss in my opinion, although not on the RPS the structure is on the NIAH Ref. 50120275. Site inspection confirmed that the structure is vacant, site inspection also confirmed that the setting of the structure has been eroded by later additions and structures in the wider complex. While it is regrettable that St. Teresa's is identified for demolition, this loss is considered to be balanced by the overall benefit of the conservation and reuse of the wider complex of protected structures. I am satisfied that the loss of architectural heritage will be mitigated by the detailed archival recording of structures proposed for demolition and the provision of new high quality designed mental health facilities and residential accommodation and the reuse of the protected structures including for community use allowing the public to experience the buildings.

10.15.12. As set out in Section 8.1 of this report The Business Plan and Operational Management Plan prepared by St. Vincent's Hospital sets out that the existing outdated hospital is unsuitable for its current use and that the financial and viability of the overall development including the new hospital and the reuse of protected structures and historic buildings will be financed by the delivery of residential development on the wider part of the site. I consider the proposed development reflects an acceptable balance between protecting the character and setting of the protected structure/s and the necessity to provide a viable quantum and quality of development that adheres to all development standards.

Impact on setting and Curtilage

- 10.15.13. The loss of the westernmost range and later St. Teresa's Ward, Freeman Wing, outbuildings and Nurses Training school and the construction of the new residential blocks and new hospital building providing mental health services to the south will impact physically and visually on the historic buildings.
- 10.15.14. Impacts to the setting and context of the Main Hospital Building arise from the siting of new residential buildings in proximity to it and within its curtilage. The new mental health facility has been designed to sit into the garden landscape to the south of the current hospital. The new hospital will represent a visual impact on the protected structures and will occupy a prominent location in the historic setting. The building roofline sits below the historic buildings allowing some long views towards the historic complex.
- 10.15.15. The Architectural Impact Assessment determines that the development allows St. Vincent's Hospital Fairview to continue operating from this location where it is embedded into the social, cultural and historical fabric of the city. The new buildings will represent an infilling of the previously spacious and 'garden-like' curtilage landscape. In the most sensitive and historic area of the landscape setting – the former gardens to the south of the protected structures - the new hospital building has been designed to be subservient to the protected structures. The landscaping strategy in this area seeks to retain as many of the mature trees as possible, providing a buffer between the new and the historic buildings, and retaining the historic landscape character to the west of the proposed new hospital facility.
- 10.15.16. The proposed residential blocks to the north, northwest and west of the protected structures will have a visual impact on the buildings and their historic setting by virtue of their presence, mass and modern design. The proposed blocks in close proximity to the Main Hospital Building impact the dominance of the structure, particularly in respect of their height. Their presence additionally changes the parkland character of their setting to be one more urban in character, impacting the aesthetic value of the existing building and associated setting. The scale of the proposed buildings will have a visual impact on the setting of the protected structures, but this impact is not considered to be unacceptable and is an inevitable aspect of the zoning designation.

I am satisfied that any harm caused to the historic setting will be mitigated against by the massing and landscaping strategies which will graduate the transition from historic garden to new residential infill parkland.

10.15.17. As outlined, the proposed residential blocks to the north, northwest and west of the protected structures will have a visual impact on the buildings and their historic setting by virtue of their presence, mass and modern design. The buildings directly to the north will replace a series of non-designated structures, of which St. Teresa's Ward is considered to be the most significant loss. The new buildings will be set back from the range of protected structures allowing them to be considered as a whole within a new linear public landscape which will connect the site on an east-west axis.

10.15.18. The new buildings proposed to the northwest of the protected structures and their setting are situated on Z12 Institutional Land. The scale of the proposed buildings here will have a visual impact on the setting of the protected structures, but this impact is not considered to be unacceptable and is an inevitable aspect of the zoning designation. I am satisfied that any harm caused to the historic setting will be mitigated against by the massing and landscaping strategies which will graduate the transition from historic garden to new residential infill parkland.

10.15.19. While it is acknowledged that the proposed scheme would have a profound impact on the setting of the protected structures, I am satisfied that the scheme represents a high-quality contemporary development, and the hospital complex remains a dominant and central structure. I am further satisfied context of the hospital complex, Brooklawn and Richmond House are protected through appropriate design interventions and landscape proposals which include appropriate buffers and provide a context to each. The conservation and refurbishment of the protected structures and non-designated structures on the site will represent a significant public and cultural benefit. The protected parts of the hospital structure, Brooklawn, Richmond House and adjoining structures of Rose Cottage and the Laundry Building will be provided with sustainable and viable future uses and their fabric will be conserved and maintained, extending their lifespans. The alterations to the retained fabric and resulting loss of heritage value will be mitigated through quality conservation works and sensitive detailing.

10.15.20. On completion of the development the cumulative impact of the new development (extant and proposed permissions in the vicinity of the site) and refurbishment works

on the existing historic buildings and their landscape setting will be significant and largely positive despite the loss of elements of the historic and protected structures. The 18th century residences which have been absorbed into the hospital complex have been altered significantly over their lifespan. The introduction of the 19th and 20th century hospital wings served to consolidate the various component parts, but at the same time fundamentally altered their form and legibility with each iteration. The potential negative impact of the infilling effect of the new development will be mitigated through the retention of mature trees, the proposed landscaping strategy, the design and location of the new hospital facility, the retention and protection of historic boundary features.

10.15.21. The loss of value resulting from the demolition of heritage structures is mitigated against through archival recording. I consider that any negative impact on the fabric, character and setting of this historic complex is outweighed by the significant public benefit of the provision of modern fit-for-purpose hospital facilities, ancillary facilities to the residential component, central public park serving the wider community and new modern apartments. Section 6.3 of Appendix 4 of the EIAR sets out a general works schedule and includes an identification of the proposed conservation works, rationale for the works, the impact and mitigation measures. I have reviewed Section 6.3 and I consider the rationale and mitigation acceptable. In addition, I refer the Board to conditions nos. 3 and 32 of the recommendation attached.

10.15.22. I am satisfied that Architectural Heritage has been appropriately addressed in terms of the application and the information submitted by the applicant and that no significant adverse direct, indirect or cumulative effects on are likely to arise.

10.16. Material Assets – Traffic and Transportation

10.16.1. Chapter 14 of the submitted EIAR deals with Traffic and Transportation. The methodology for assessment is described and the receiving environment is outlined. Third parties have raised concerns in relation the capacity of the surrounding road network. From an environmental perspective, the EIAR addresses these aforementioned matters in detail alongside potential construction and cumulative impacts. My assessment of Traffic Impact and Car Parking in Section 8.7 above also considers these matters and I refer the Board to same.

- 10.16.2. During the construction phase, construction traffic travelling to the site will use the Richmond Road for access. A Construction & Environmental Management Plan (CEMP) would be implemented. Overall, it is considered that the impact of the construction phase on Traffic and Transport will be likely and adverse but moderate and short-term.
- 10.16.3. During the operational phase, it is anticipated that there is likely to be a neutral, slight, and permanent effect on the surrounding roads as a result of the proposed development. The analysis carried out indicates that the increased traffic as a result of the proposed development has been shown to be minimal and will have a negligible impact in terms of traffic. The associated impact on human beings will be limited. The increased permeability of the site and the provision of high-quality pedestrian and cycle facilities will result in increased numbers of cyclists which in turn will promote healthier living and a more active population. The potential for increased accidents is also considered low as a result of the relatively minor traffic increases associated with the proposed development.
- 10.16.4. The cumulative traffic impact of other proposed developments in the area was considered and included for in the traffic assessment. To accurately assess the impact of the proposed development in the future, the base traffic flows for the local network in 2022 were expanded to the Year of Opening and the Design Year using the medium-range TII growth factors. The background traffic growth analysis allowed for cumulative development in the area and on a wider basis, with the factors applied specifically to the site location in Dublin. This provided for a robust assessment of the cumulative traffic impact of proposed development. I am satisfied that the traffic generated by the proposed scheme would not have a significant negative impact on the capacity of the surrounding network which in my opinion is within the norm of a busy urban environment.
- 10.16.5. I have considered all of the written submissions made in relation to Traffic and Transportation. I note the reports of the planning authority and the submission from the NTA which raised no objection in principle. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of Traffic and Transportation.

10.17. Material Assets – Waste Management

- 10.17.1. Chapter 15 of the EIAR addresses Waste Management. The methodology for assessment is described and the receiving environment is outlined. A Resource & Waste Management Plan has been prepared for the demolition, excavation and construction phase of the development. In addition, an Operational Waste Management Plan has been prepared for the operational phase of development. These are attached in Volume 2 Appendix 15.1 and Appendix 15.2 of the EIAR.
- 10.17.2. During the construction phase the proposed development would generate a range of non-hazardous and hazardous waste materials during site demolition, excavation and construction. The development engineers have estimated that 110,000 m³ of material will need to be excavated to do so. The majority (but not all) of the topsoil stripped from the site will be reused on site for backfill (levels in some areas need to be raised) and landscaping with some export required. Any surplus topsoil material will be transported off site for appropriate reuse, recovery, recycling and / or disposal. It is envisaged that all of the subsoil and stones will be removed from the site and transported off site for appropriate reuse, recovery, recycling and / or disposal. Correct classification and segregation of the excavated material is required to ensure that any potentially contaminated materials are identified and handled in a way that will not impact negatively on workers as well as on water and soil environments, both on and off-site. General housekeeping and packaging will also generate waste materials, as well as typical municipal wastes generated by construction employees, including food waste and, potentially, sewage sludge from temporary welfare facilities provided on-site during the Construction phase. Waste printer / toner cartridges, waste electrical and electronic equipment (WEEE) and waste batteries may also be generated in small volumes from site offices. Adherence to mitigation measures outlined in Section 15.6 of the EIAR would ensure that the predicted effect on the environment would be indirect, short-term, significant and negative.
- 10.17.3. An Operational Waste Management Plan has been prepared which provides a structured approach to waste management and promotes resource efficiency and waste minimisation. Provided the mitigation measures outlined in Section 15.6 of the EIAR will ensure the waste arising from the proposed development during the

operational phase is dealt with in compliance with the provisions of the Waste Management Act 1996 as amended, associated regulations, the Litter Pollution Act 1997, the EMR Waste Management Plan 2015 – 2021, and the DCC Waste Bye-Laws. It will also ensure optimum levels of waste reduction, reuse, recycling and recovery are achieved.

10.17.4. Assuming the full and proper implementation of the mitigation measures set out in the EIAR, and, in the RWMP (Appendix 15.1), no likely significant negative effects are predicted to occur as a result of the construction or operational of the proposed development.

10.17.5. Other developments in the area will be required to manage waste in compliance with national and local legislation, policies and plans which will mitigate against any potential cumulative effects associated with waste generation and waste management.

10.17.6. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect impacts in terms of Waste Management

10.18. Chapter 16 Material Assets – Utilities

10.18.1. Section 16 of the EIAR deals with Material Assets -Utilities. The methodology for assessment is described as well as the receiving environment including existing infrastructure and utilities services are described. An Engineering Report was submitted with the application which addresses the impact of the development on the public water, foul water and drainage systems.

10.18.2. Power and Gas Supply: During construction, contractors will require power for heating and lighting of the site and their onsite construction compound. The power requirements will be relatively minor and will be provided by a temporary connection to an existing ESB substation located at the access road through the site. There are plans for six substations within the site and they have all been sized accordingly with the number of apartments within the development, this is calculated using 12 kVA for the 1st apartment and a diversified 3.5 kVA for the remaining apartments per block, this is the calculation method used by the ESB network design engineers. Any Blocks

where a core Electrical load exceeds 200 kVA a substation has been provided. The substations are located across numerous blocks on the site.

There is no gas connection required during the construction phase. There is no intention to provide natural gas to serve the new residential portion of the proposed development.

10.18.3. Surface Water Infrastructure: During the construction processes the disposal of water (rainfall run-off and shallow groundwater) from the site will be required. Depending on the construction stage and the quality of this water the discharge will occur to either; ground (via percolation bed or ground water wells); to surface water (via the storm water network to the Tolka River); or to Ringsend WWTP (via the combined foul wastewater network). Treatment and monitoring of this water prior to disposal will occur within the construction site. It is proposed to separate the surface water and wastewater drainage networks, which will serve the proposed development, and provide independent connections to the local public surface water and wastewater sewer networks respectively. The proposed development is to be served by a sustainable drainage system that is to be integrated with the developments landscaping features.

10.18.4. Foul Water Drainage: It is proposed to provide a connection from each structure to the existing public wastewater network inside the site boundary. The overall development is to be separated into 2 no. individual gravity wastewater catchments and is to be drained by a gravity wastewater network, based on the natural topography of the development site. It is proposed to provide two individual connections to the existing 900mm public wastewater sewer on Richmond Road (one for the hospital and one for the residential part of the development). The average and peak daily discharges of foul water during operation of the hospital is estimated to be 0.57 l/s and 2.57 l/s respectively. The average and peak daily discharges of foul water during operation of the Residential units is estimated to be 5.67 l/s and 17.03 l/s respectively.

10.18.5. Potable Water Supply: During construction, a water source will be required for the duration of the works for welfare facilities, dust suppression and general construction activities. The average and peak daily demands for potable water during construction are estimated to be 2.92 l/s and 14.65 l/s respectively. There are existing buildings at the site proposed to be demolished. The existing water supply connection previously

utilised by these buildings will be used for all temporary welfare facilities and construction activities during construction.

The proposed connection is to be carried out in accordance with Irish Water's Code of Practice for Water Infrastructure, following a New Connection agreement with Irish Water, with a bulk water meter to be provided at the development's entrance. The average and peak daily demands for potable water during operation of the hospital are estimated to be 0.65 l/s and 3.25 l/s respectively. The average and peak daily demands for potable water during operation of the residential units are estimated to be 6.44 l/s and 32.22 l/s respectively. A Confirmation of Feasibility Letter was obtained from Irish Water. During the connection of new mains to existing mains on site there is a small risk that contamination of the existing supply may occur.

10.18.6. Telecommunications: Telecommunications including fibre required during the construction phase will be provided via mobile data, or a wireless connection where available. The site is currently fed from the EIR network. EIR infrastructure to the surrounding area is sufficient to service the development from Richmond Road subject to final agreement with EIR. A new EIR Ducting network shall be provided to the development so the option for provision of EIR is available to each household. A new Virgin Media Ducting network shall be provided to the development so the option for provision of Virgin Media is available. New connections to the new development shall come from the road at main entrance underground.

10.18.7. The final connection details are subject to agreement with the relevant provider. The connections would be conducted in parallel with other services. The implementation of mitigation measures within each chapter will ensure that the residual impacts on the material assets during the operational phase will be neutral, not significant and long term. The overall impact associated with land use and property for the operational phase will be a localised, positive, imperceptible and long term.

10.18.8. No cumulative impacts will arise that would result in significant effects on the environment.

10.18.9. I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of proposed scheme, the proposed mitigation measures and through suitable conditions. I am therefore satisfied that the proposed

development would not have any unacceptable direct or indirect impacts in terms of Material Assets.

10.19. Interactions

10.19.1. Chapter 17 addresses interactions and highlights those interactions which are considered to potentially be of a significant nature and Table 17.1 provides a matrix of interactions. Overall, the interactions between the proposed development and the various environmental factors are generally considered to be not significant or negative but short-term in duration. Mitigation measures are proposed throughout this EIA Report to minimise any potentially negative impacts.

10.19.2. The development is concluded in the EIAR to have no significant negative impact when mitigation measures are incorporated. 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, no residual risk of significant negative interaction between any of the disciplines was identified and no further mitigation measures were identified.

10.20. Cumulative Impacts

10.20.1. Each individual chapter provides an assessment of the cumulative impact of the development.

10.20.2. The proposed development could occur in tandem with the development of other sites that are zoned in the area. Such development would be unlikely to differ from that envisaged under the county development which has been subject to Strategic Environment Assessment. Its scale may be limited by the provisions of those plans and its form and character would be similar to the development proposed in this application. The actual nature and scale of the proposed development is in keeping with the zoning of the site and the other provisions of the relevant plans and national policy. The proposed development is not likely to give rise to environmental effects that were not envisaged in the development plan that was subject to SEA. It is, therefore, concluded that the cumulation of effects from the planned and permitted development and that currently proposed would not be likely to give rise to significant effects on the environment other than those that have been described in the EIAR and considered in this EIA.

10.21. Schedule of Mitigation Measures

10.21.1. Each individual chapter provides a summary of the recommended mitigation measures.

10.22. Reasoned Conclusion on the Significant Effects

10.22.1. Having regard to the examination of environmental information set out above, to the EIAR and other information provided by the developer, and to the submissions from the planning authority, prescribed bodies and third parties in the course of the application, it is considered that the main significant direct and indirect effects of the proposed development on the environment are as follows:

- Significant direct positive effects with regard to population and material assets due to the increase in the housing stock that it would make available in the urban area.
- A significant direct effect on land by the change in the use and appearance of a relatively large area of underutilised brownfield site to residential use. Given the location of the site within the built-up area and the public need for housing in the region, this effect would not have a significant negative impact on the environment.
- Potential significant effects on soil during construction, which will be mitigated by the re-use of material on the site and the removal of potentially hazardous material from the site, and the implementation of measures to control emissions of sediment to water and dust to air during construction.
- Potential effects arising from noise and vibration during construction which will be mitigated by appropriate management measures.
- Potential effects on air during construction which will be mitigated by a dust management plan including a monitoring programme.
- Biodiversity impacts mitigated by additional planting/landscaping and appropriate work practices.
- Potential indirect effects on water which will 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.

- Traffic and Transportation impacts mitigated by the management of construction traffic by way of Construction and Environmental Management Plans.
- Archaeology and Architectural Heritage would be mitigated by landscaping and design and by the use of pre-construction trench testing. Given the location of the site within the urban area no significant adverse direct, indirect or cumulative effects are likely to arise.
- A positive effect on the streetscape as the proposed development would improve the amenity of the land through the provision of dedicated public open spaces and improved public realm.

10.22.2. 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 are satisfactory to enable the likely significant environmental effects arising as a consequence of the proposed development to be satisfactorily identified, described and assessed. The environmental impacts identified are not significant and would not justify refusing permission for the proposed development or require substantial amendments to it.

11.0 Recommendation

Having regard to the land use zoning of the site as 'Z1, Z12 and Z15 ', where residential/mixed use and hospital development is deemed to be permissible, the site's location in the inner 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: LRD6009/23-S3

Appeals by 1) St. Vincent's Hospital, Fairview, 2) Ierne Social & Sports Club, 3) Brian Delaney, 4) Martin Kirk, 5) Hogan View Management Company Limited and 6) Michael Callanan and others against the decision made on the 31st of May 2023 by Dublin City Council to grant permission to St. Vincent's Hospital Fairview for the proposed Large Scale Residential Development application subject to conditions.

Location: St. Vincent's Hospital, Richmond Road and Convent Avenue, Fairview, Dublin 3.

Proposed Development:

Development of a Large-scale Residential Development (LRD) will consist of the redevelopment of the site to provide for a new hospital building, providing mental health services, provision of 9 no. residential buildings (Blocks A, B, C, D-E, F, G, H, J, and L), community facilities, and public open space. The proposed building heights range from 2 to 13 storeys. The residential development includes a total of 811 no. residential units, including 494 no. standard design apartments (SDA) and 317 no. Build to Rent (BTR) apartments, with a mix of 18 no. studio units, 387 no. 1 bed units, 349 no. 2 bed units and 57 no. 3 bed units.

The development will consist of:

- The construction of a new part two and part three storey hospital building, providing mental health services (with a total gross floor area (GFA) of 7,188 sq.m), accommodating 73 no. beds, and including treatment / consultation changing rooms, education rooms, reception, family visitation and resource areas, therapy areas, multifaith rooms, staff and visitor canteen / café, staff offices, back of house areas including changing facilities, public and staff circulation areas, plant rooms and zones, and related servicing areas. The hospital includes 2 no. courtyards at ground floor level, a terrace at first floor level, and open space adjacent to the building to be used by patients and staff. A total of 76 no. car parking spaces (including 39 no. EV charging spaces), 50 no. bicycle spaces and 4 no. motorcycle spaces are proposed for the new hospital. A facilities management building, with a GFA of 149 sq.m, is located northwest of the new hospital building and will accommodate a generator area, a disposal hold area, an ESB substation, a MV switch room, a LV off loader room and a plant area.
- Richmond House and associated structures (RPS Ref: 8788) will be refurbished for hospital administration use, with a GFA of 397 sq.m, and the proposed refurbishment works include the removal of an external staircase and balcony, removal of some internal walls, internal renovations, repair of the facades, repair and renewal of rainwater goods, and all associated conservations works.
- Brooklawn (RPS Ref.: 8789) will be refurbished for hospital administration use, with a GFA of 301 sq.m, and the proposed refurbishment works include the removal of an external staircase, replacement of rooflights, removal of some internal walls, internal renovations, repair of the facades, repair and renewal of rainwater goods, and all associated conservations works.
- Rose Cottage will be refurbished and extended for hospital administration use, with a GFA of 161 sq.m, and the proposed refurbishment works include the removal of a single storey extension, provision of a single storey extension to the southeast, and all associated works.
- The Laundry building will be refurbished for hospital administration use, with a GFA of 135 sq.m, and the proposed works include the demolition of the adjacent electric hub building to the north, the adjoining structures to the south of the building. and the refurbishment of the building including replacement rooflights and door and

window opes, and all associated conservations works.

- The Gate Lodge building will remain in residential use, to be used by visiting members of staff to the new hospital.
- The new hospital, associated buildings, and grounds (as described above), are proposed on a hospital site of c. 2.67 ha.
- The proposal includes the demolition of existing structures on site with a GFA of 5,872 sq.m, including the (1) westernmost range of the hospital building, which includes St. Teresa's and the Freeman Wing. (2) extensions to the south and north of the main hospital building including the conservatory extension, toilet block extension, an external corridor, toilet core, lift core, and stair core (which are all part of /within the curtilage of RPS Ref: 2032), (3) hospital buildings and outbuildings located to the north of the existing main hospital building, (4) St. Joseph's Adolescent School building located in the southeast of the site, (5) Crannog Day Hospital building located in the southwest of the site, and (6) extensions to the Laundry building and Rose Cottage.
- The change of use, refurbishment, alterations, and extensions, to the existing St. Vincent's Hospital buildings, part protected structures under RPS Ref.: 2032 (referred to as Block K), from lower ground to third floor level to provide for a mixed-use building including community facilities, commercial uses, and residential amenities and facilities. The building will be separated into 4 no. parts (Block K1, K2, K3 and K4). Block K1 includes a gym at ground and first floor levels and residential amenities and facilities at second and third floor levels. Block K2 includes a café and a community library at ground floor level and co-working spaces at first, second and third floor levels. Block K3 includes a childcare facility over three levels at lower ground, ground and first floor level, and Block R4 is proposed as a community hall. The alterations to the existing buildings to facilitate the change of use includes the removal of external walls, a stair core, external elements to the northern and southern façade, internal walls, windows and doors, new rainwater goods, associated repairs and alterations, the construction of a new lift and stair core for Block K1, K2 and K3, and all associated conservation works. A part one to part four storey building is proposed as an extension to the western end of Block K (referred to as Block J and which is described below).

- Block A is a part two to part seven storey building comprising a two-storey retail unit at ground and first floor levels and a total of 58 no. standard design apartment (SDA) units from ground to sixth floor level with 7 no. studio units, 27 no. 1 bed units, 18 no. 2 bed units, and 6 no. 3 bed units. Private balconies / terraces for the apartments are provided on the east, south and west elevations.
- Block B is an eight-storey building comprising 86 no. SDA units with 54 no. 1 bed units, 23 no. 2 bed units, and 9 no. 3 bed units. Private balconies / terraces for the apartments are provided on the west and east elevations.
- Block C is a part six to part seven storey building, above a lower ground floor / basement level, comprising 82 no. SDA units with 40 no. 1 bed units and 42 no. 2 bed units, with a residential amenity area at ground floor level. A communal roof terrace is proposed at sixth floor level. Private balconies / terraces for the apartments are provided on the west, east, and south elevations.
- Block D-E is a part five to part thirteen storey building above basement level, comprising 199 no Build to-Rent (BTR) units with 7 no studio units, 60 no. 1 bed units, and 104 no 2 bed units. Residential amenity and facility areas are proposed at ground, sixth, and twelfth floor levels. Five communal roof terraces are proposed, one terrace at fifth floor level, two terraces at sixth floor level, one terrace at ninth floor level, and one terrace at twelfth floor level. Private balconies/terraces for the apartments are provided on the west, east, north and south elevations.
- Block F is a part four to part nine storey building, above basement level, comprising a café/restaurant and residential amenity area at ground floor level and 118 no. BTR units with 1 no studio unit, 63 no. 1 bed units, 46 no. 2 bed units, and 8 no. 3 bed units. Private balconies / terraces for the apartments are provided on the west, east, south and north elevations.
- Block G is a part four to part nine storey building comprising 139 no SDA units with 1 no studio unit, 71 no. 1 bed units, 54 no. 2 bed units and 13 no. 3 bed units, with a residential amenity area at ground floor level Private balconies / terraces for the apartments are provided on the west, east, south, and north elevations.
- Block H is a five-storey building comprising 30 no. SDA units with 1 no. studio unit, 10 no. 1 bed units, 14 no. 2 bed units and 5 no. 3 bed units. Private balconies /

terraces for the apartments are provided on the west, east, south, and north elevations.

- Block J is a four-storey building which is an extension to Block K (St. Vincent's Hospital building- RPS Ref.: 2032), comprising 13 no. SDA units with 6 no. 1 beds and 7 no. 2 beds, and residential amenities and facilities at ground floor level. Private balconies / terraces for the apartments are provided on the north, west and south elevations.
- Block L is a part four to part six storey building comprising 86 no. SDA units with 1 no studio unit, 28 no. 1 bed units, 41 no. 2 bed units and 16 no. 3 bed units. Private balconies / terraces for the apartments are provided on the north, east, south, and west elevations.
- A proposed basement / lower ground floor level is located below and accessed via Blocks C, D-E and F, and includes a total of 240 no. car parking spaces allocated for the residential development (including 6 no accessible spaces, 7 no. car share spaces and 120 no. EV charging spaces), 9 no. bicycle stores providing a total of 947 no. cycle spaces (including cargo bikes and electric bikes), 13 no. motorcycle spaces, 15 no. storage units, bin storage areas, an ESB substation and switch room, various plant rooms and lift and stair cores.
- A total of 16 no. car parking spaces and 817 no. bicycle spaces are proposed at surface level for the proposed residential, commercial, and community uses.
- Access to the new hospital and associated grounds is provided from Richmond Road and Convent Avenue, with separate internal access points. A separate vehicular access to the residential development is provided from Richmond Road. The development includes a proposed pedestrian cycle connection to Griffith Court, requiring alterations to the service yard of the Fairview Community Unit, pedestrian / cycle connections to the Fairview Community Unit campus to the north (providing an onward connection to Griffith Court), a pedestrian / cycle connection to Grace Park Wood, and makes provision internally within the site for a potential future connection to Lomond Avenue/Inverness Road.
- The proposal includes public open space, including allotments, children's play areas, a central park, a linear park and an entrance plaza, with a set down area at

Richmond Road, and communal open space at surface level.

- The proposed development includes an enclosed heat pump area located to the south of Block D-E and west of Block C, and 6 no. ESB substations in Blocks A, B, C, D-E, F and G.
- The proposal also includes provision of internal access roads, pedestrian and cycle infrastructure, associated set down areas, bin and bike stores, alterations to existing landscape features, landscaping, boundary treatments, lighting, telecommunications infrastructure at roof level of Block B, green roofs, lift overruns and plant at roof level, site services, including a watermain connection / upgrade via Griffith Court, Philipsburgh Avenue and Griffith Avenue, site clearance, and all associated site works

An Environmental Impact Assessment Report (EIAR) and a Natura Impact Statement (NIS) have been prepared for the development and accompany the planning application. The application may also be inspected online at the following website set up by the applicant: www.stvincentshospitalld.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/mixed use and hospital development is permitted under zoning Z1, Z12 and Z15 of 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 provisions of Housing for All, A New Housing Plan for Ireland 2021;

(f) 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;

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

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

(i) 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;

(j) The Planning System and Flood Risk Management' (including the associated 'Technical Appendices') 2009;

(k) The Architectural Heritage Protection Guidelines for Planning Authorities 2011.

(l) The provisions of the Climate Action Plan 2023

(m) 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

(o) The EIAR submitted with the application

(p) The grounds of appeal received

(q) The observations received

(r) 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 completed, in compliance with s.172 of the Planning and Development Act 2000, an Environmental Impact Assessment of the proposed development, taking into account: (a) The nature, scale and extent of the proposed development; (b) The

Environmental Impact Assessment Report and associated documentation submitted in support of the application, (c) The submissions from the applicant, planning authority, third parties and the prescribed bodies in the course of the application; and (d) The Planning Inspector's report.

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.

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.
- 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.
- Climate and Air Quality impacts mitigated by dust monitoring programme.
- 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.
- Landscape and Visual impacts would be significant with a direct effect on land by the change in the use and appearance of a relatively large area of brownfield site to residential/mixed use. Given the location of the site within the urban area and the public need for housing in the region, this effect would not have a significant negative impact on the environment.
- Cultural Heritage, Archaeology and Architectural Heritage would be mitigated by landscaping. Given the location of the site within the urban area no significant adverse direct, indirect or cumulative effects are likely to arise.
- 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.
- An upgrade of utilities and telecommunications would have a positive impact for the site and the surrounding area.
- Resources and Waste Management impacts which will be mitigated by preparation of a site-specific Resource Waste Management Plan (RWMP) to deal with waste generation during the demolition, excavation and construction phases of the proposed development.

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 inner 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.

13.0 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 6th April 2023, 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. The period during which the development hereby permitted may be carried out shall be 10 years from the date of this order.

Reason: Having regard to the nature and scale of the development, the Board considers it appropriate to specify a period of validity of this permission in excess of five years.

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

Reason: In the interest of protecting the environment and in the interest of public health.

4. The proposed development shall be amended as follows:

- a) Block D-E shall have a maximum height of eleven storeys. This shall be achieved by the omission of levels 10 and 11 and of units DE-10-01, DE-10-02, DE-10-03, DE-10-04, DE-10-05, DE-10-06, DE-10-07, DE-11-01, DE-11-02, DE-11-03, DE-11-04, DE-11-05, DE-11-06, DE-11-07.

- b) Block L shall have a maximum height of five storeys. This shall be achieved by the omission of level 05 and of units L-05-01, L-05-02, L-05-03, L-05-04, L-05-05, L-05-06, L-05-07, L-05-08, L-05-09, L-05-10, L-05-11, L-05-12.

The development hereby approved contains 785 no. dwelling units consisting of 18 no. studios, 377 no. one bedroom apartment units, 335 no. two bedroom units and 55 no. three bedroom units.

The revised plans and particulars showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest visual amenity of the streetscape, respecting the primacy of the protected structures on site and protection of residential amenities of the wider area.

5. The 303 no. units in Blocks D-E and F development hereby permitted shall be for Build to Rent units which shall operate in accordance with the definition of Build to Rent developments as set out in the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities issued by the Department of Housing, Planning and Local Government in December 2022 and be used for long term rentals only. No portion of this development shall be used for short-term lettings.

Reason: In the interests of orderly development and clarity.

6. Prior to the commencement of development, the owner shall submit, for the written consent of the planning authority, details of a proposed covenant or legal agreement which confirms that the (303 no. units in Blocks D-E and F) development hereby permitted shall remain owned and operated by an institutional entity for a minimum period of not less than 15 years and where no individual residential units shall be sold separately for that period. The period of 15 years shall be from the date of occupation of the first residential unit within the scheme.

Reason: In the interests of orderly development and clarity

7. Prior to the expiration of the 15-year period referred to in the covenant, the owner shall submit for the written agreement of the planning authority, ownership details and management structures proposed for the continued operation of the 303 no. units as a Build to Rent scheme. Any proposed amendment or deviation from the Build to Rent model as authorised in this permission shall be subject to a separate planning application.

Reason: In the interests of orderly development and clarity.

8. The development shall be carried out in accordance with the following phasing arrangements:
 - a) The cafes, (Block F) and retail unit (Block A) in Phases 1A and 1B, and gym hereby approved shall be fully fitted out and suitable for immediate occupation and operation prior to the first occupation of the residential units hereby approved in Phases 1A and 1B.
 - b) All The Phase 1A and 1B residential amenity floorspace and supporting services (located in Block's C, D-E, F, and G) shall be ready and available for immediate use prior to first occupation of any residential block in Phases 1A and 1B.
 - c) The Café (Block K2), Childcare facility (Block K3), Community Library (Block K2), Community Hall (Block K4), Gym (Block K1) and Residential Amenities and supporting services (Block J and K1) in Phase 2A shall be ready and available for immediate use prior to first occupation of any residential block in Phase 2A (Block H, J and L).

Reason: To ensure the delivery of a mix of land uses on site and in the interests of

residential amenity

9. A schedule of all materials to be used in the external treatment of the development to include a variety of high-quality finishes, such as brick and stone, roofing materials, windows and doors shall be submitted to and 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 and to ensure an appropriate high standard of development.

10. Details of signage, waste management and hours of operation of the non-residential units shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of visual amenity

11. Details of the management and operation of the community facilities in Block JK and Allotment Gardens shall be submitted to and agreed in writing with the planning authority prior to commencement of Phase 2A of the development.

Reason: In the interest of visual amenity.

12. All links/connections to adjoining lands (within and outside the applicant's 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.

13. No additional development shall take place above roof level, including lift motors, air handling equipment, storage tanks, ducts or other external plant other than those shown on the drawings hereby approved, unless authorised by a prior grant of Planning Permission.

Reason: To safeguard the amenities of surrounding occupiers and the visual amenities of the area in general.

14. 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.

15. 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.

16. 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.

17. 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.

18. 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.

19. 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.

20. 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

21. 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

22. 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.

23. (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.

24. 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.

25. 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.

26. (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.

27. Prior to the commencement of any work on site, the developer:

i) shall engage the services of an independent, qualified arborist, for the entire period of construction activity.

ii) shall inform the planning authority in writing of the appointment and name of the consultant. The consultant shall visit the site at a minimum on a monthly basis, to ensure the implementation of all of the recommendations in the revised tree reports and plans, once agreed.

iii) shall ensure the protection of trees to be retained

iv) submit photographs and confirmation that fencing for retained trees meets BS5837:2012 "Trees in Relation to Design, Demolition and Construction – Recommendations" for the written agreement of the Planning Authority.

v) All works on retained trees shall comply with proper arboricultural techniques conforming to BS 3998:2010 Tree Work – Recommendations. To ensure and give practical effect to the retention, protection and sustainability of trees during and after construction of the permitted development.

vi) The clearance of any vegetation including trees and scrub shall be carried out outside the bird-breeding season (1st day of March to the 31st day of August inclusive) or as stipulated under the Wildlife Acts 1976 and 2000.

vii) The arborist shall carry out a post construction tree survey and assessment on the condition of the retained trees.

viii) A completion certificate is to be signed off by the arborist when all permitted development works are completed and in line with the recommendations of the tree report.

ix) The certificate shall be submitted to the planning authority for written agreement upon completion of the works.

Reason: To ensure the retention, protection and sustainability of trees during and after construction of the permitted development

28. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company or such other security as may be accepted in writing by the planning authority, to secure the protection of the trees on site and to make good any damage caused during the construction period, coupled with an agreement empowering the planning authority to apply such security, or part thereof, to the satisfactory protection of any tree or trees on the site or the replacement of any such trees which die, are removed or become seriously damaged or diseased within a period of [three] years from the substantial completion of the development with others of similar size and species. 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 secure the protection of the trees on the site

29. 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.

30. 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.

31. The following requirements of the Archaeology Section of Dublin City Council shall be strictly adhered to:

a) Preservation in-situ and conservation repair of the demesne wall associated with Drumcondra Castle (CH01) and of the ruined outbuilding associated with Richmond House (CH02).

b) A detailed archaeological survey and analysis of the demesne wall associated with Drumcondra Castle (CH01) and of the ruined outbuilding associated with Richmond House (CH02) including full photographic, written and drawn record of both structures.

c) i. No construction or site preparation work may be carried out on the site until all archaeological requirements of the Planning Authority are complied with.

ii. The project shall have an archaeological assessment (and impact assessment) of the proposed development, including all temporary and enabling works, geotechnical investigations, e.g. boreholes, engineering test pits, etc., carried out for this site as soon as possible and before any site clearance/construction work commences. The assessment shall be prepared by a suitably qualified archaeologist and shall address the following issues. a. The archaeological and historical background of the site, to include industrial heritage. b. A paper record (written, drawn, and photographic, as appropriate) of any historic buildings and boundary treatments, etc. c. The nature, extent and location of archaeological material on site by way of archaeological testing &/or monitoring of the removal of overburden.

iii. The impact of the proposed development on such archaeological material.

iv. The archaeologist shall forward their Method Statement in advance of

commencement to the Planning Authority.

- v. Where archaeological material is shown to be present, a detailed Impact Statement shall be prepared by the archaeologist which will include specific information on the location, form, size and level (corrected to Ordnance Datum) of all foundation structures, ground beams, floor slabs, trenches for services, drains etc. The assessment shall be prepared on the basis of a comprehensive desktop study and, where appropriate/feasible, trial trenches excavated on the site by the archaeologist and/or remote sensing. The trial trenches shall be excavated to the top of the archaeological deposits only. The report containing the assessment shall include adequate ground-plan and cross-sectional drawings of the site, and of the proposed development, with the location and levels (corrected to Ordnance Datum) of all trial trenches and/or bore holes clearly indicated. A comprehensive mitigation strategy shall be prepared by the consultant archaeologist and included in the archaeological assessment report.
- vi. No subsurface work shall be undertaken in the absence of the archaeologist without his/her express consent. The archaeologist retained by the project to carry out the assessment shall consult with the Planning Authority in advance regarding the procedure to be adopted in the assessment.
- vii. One hard copy and 1 digital copy in pdf format containing the results of the archaeological assessment shall be forwarded on completion to the Planning Authority. The Planning Authority (in consultation with the City Archaeologist and the National Monuments Service, Dept. of Housing, Local Government and Heritage, shall determine the further archaeological resolution of the site.
- viii. The developer shall comply in full with any further archaeological requirement, including archaeological monitoring, and if necessary archaeological excavation and/or the preservation in situ of archaeological remains, which may negate the facilitation of all, or part of any basement.
- ix. The developer shall make provision for archaeological excavation in the project budget and timetable.
- x. Should archaeological excavation occur the following shall be submitted to the Planning Authority:
 - a. A bi weekly report on the archaeological excavation during the excavation and post excavation period.
 - b. A preliminary report on the

archaeological excavation not later than four weeks after the completion of the excavation. c. A final report on the archaeological excavations not later than twelve months after the completion of the excavation

xi. Before any site works commence the developer shall agree the foundation layout with the Planning Authority.

xii. 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.

32. Prior to the commencement of development conservation details for Brooklawn (RPS Ref.: 8789), Richmond House (RPS Ref.: 8788), Laundry Building, Rose Cottage and the historic boundary elements of the development shall be submitted for the written agreement of the Planning Authority. Prior to the commencement of Phase 2A development works details regarding works to St. Vincents shall be submitted for the written agreement of the Planning Authority.

The following Conservation requirements shall be fully complied with in the proposed development including the submission of relevant details for the written agreement of the Planning Authority.

a) Chapel i. A revised design omitting the removal of the raised area for the altar should in order to retain more of the historic interior of the structure. ii. Clarification on the retention of a number of pews to the interior of the chapel is to be provided. The retention of some of the furnishings associated with its historic use would be the preferred. It is understood that some elements will be lost to make the space more useable and inclusive, however some elements should be retained. iii. Consideration to be given for the reuse of the historic railings to the exterior of the chapel.

b) Richmond Convent i. Detailed floor plans at a scale of 1:50 of the former convent and convent extension, cross-referenced to photographs, and accompanied by a list clearly describing all interventions impacting the historic fabric, including the loss of features such as historic floors, together with proposed finishes. The proposed works

shall respect the surviving historic features and fabric, ensuring the special character of the interior is not adversely impacted. ii. 1:20 drawings of the proposed windows, describing the proposed windows in detail. The new frames should have a traditional putty finish to the exterior. Details of the proposed new glazing should also be submitted. The applicant shall be satisfied that any proposed glass conforms to EU directives. If double-glazing is proposed, 1:5 details of the windows are to be submitted demonstrating that the proposed glazing units can be accommodated without increase in dimension of historically appropriate frames and glazing bars (if appropriate)

c) Convent Extension & Hospital Extension i. 1:20 drawings of the proposed windows, describing the proposed windows in detail. The new frames should have a traditional putty finish to the exterior. Details of the proposed new glazing should also be submitted. Confirmation that any proposed glass conforms to EU directives. If double-glazing is proposed, 1:5 details of the windows are to be submitted demonstrating that the proposed glazing units can be accommodated without increase in dimension of historically appropriate frames and glazing bars (if appropriate). ii. A detailed methodology for the repair of the north elevation of the c.1900 hospital extension following removal of structures is to be submitted to include proposed materials. iii. Samples of the proposed finishes for the exterior of the lift enclosure are to be provided to the planning authority for approval.

d) Hospital Buildings i. Detailed floor plans at a scale of 1:50 of the 1861 Hospital Building, cross-referenced to photographs, and accompanied by a list clearly describing all interventions impacting the historic fabric, including the loss of features such as historic floors. Proposed finishes are also to be provided. The works are to be respectful to the surviving historic features and fabric, ensuring the special character of the interior is not adversely impacted. ii. 1:20 drawings of the proposed windows, describing the proposed windows in detail. The new frames should have a traditional putty finish to the exterior. Details of the proposed new glazing should also be submitted. The applicant shall be satisfied that any proposed glass conforms to EU directives. If double-glazing is proposed, 1:5 details of the windows are to be submitted demonstrating that the proposed glazing units can be accommodated without increase in dimension of historically appropriate frames and glazing bars (if appropriate).

e) A strategy for the reuse of historic boundary elements is to be provided, particularly the use of the early twentieth-century wrought-iron railings and gates. 1:20 details of

the proposed anti-climb fence to the boundary between the new hospital and the Protected Structures together with an appraisal of its impact on the setting of the Protected Structures and mitigation measures to address this visual impact.

f) Rose Cottage: 1:50 elevations of the proposed extension illustrating all external finishes, which shall be sensitive to the historic structure.

g) Confirmation of the proposed new natural slate to be used for the roofs of the Protected Structures.

h) A strategy for the reuse of historic boundary elements is to be provided, particularly the use of the early twentieth-century wrought-iron railings and gates.

i) 1:20 details of the proposed anti-climb fence to the boundary between the new hospital and the Protected Structures together with an appraisal of its impact on the setting of the Protected Structures and mitigation measures to address this visual impact.

j) The applicant shall submit the following architectural conservation details/revisions for the written approval of the Planning Authority: i. Following provision of a scaffold to the elevations of the Chapel, Brooklawn, Richmond House and the Laundry, the DCC Conservation Officer shall be given the opportunity to inspect the elevations to assess the condition of the brickwork and agree the proposed strategy for repair. ii. A detailed schedule/marked up drawing of repairs to the elevations following inspection at close quarters, is to be provided. iii. Site samples/exemplars for the raking out of joints, cleaning, repair of brick and proposed pointing are to be agreed on site with the CO prior to these works commencing. Proposed new pointing shall be NHL2. iv. Samples of the proposed render finishes to Richmond Convent, Convent Extension & Hospital Extension, the Hospital Buildings, Richmond House and the Laundry are to be agreed on site with the DCC Conservation Officer prior to these works commencing.

k. A conservation expert with proven and appropriate expertise shall be employed to design, manage, monitor and implement the works and to ensure adequate protection of the retained and historic fabric during the works. In this regard, all permitted works shall be designed to cause minimum interference to the retained fabric and the curtilage of the Protected Structure.

I. The proposed development shall be carried out in accordance with the following: i. All works to the structure shall be carried out in accordance with best conservation practice and the Architectural Heritage Protection Guidelines for Planning Authorities (2011) and Advice Series issued by the Department of Housing, Local Government and Heritage. Any repair works shall retain the maximum amount of surviving historic fabric in situ. Items to be removed for repair off-site shall be recorded prior to removal, catalogued and numbered to allow for authentic re-instatement. ii. All existing original features, in the vicinity of the works shall be protected during the course of the refurbishment works. iii. All repair of original fabric shall be scheduled and carried out by appropriately experienced conservators of historic fabric. iv. The architectural detailing and materials in the new work shall be executed to the highest standards so as to complement the setting of the protected structure and the historic area.

M. In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to protect the original fabric, character, integrity and settings of the Protected Structures and to ensure that the proposed works are carried out in accordance with best conservation practice.

33. 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.

34. 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.

35. 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.

36. 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

37. 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.

Irené McCormack

Senior Planning Inspector

7th September 2023