



An
Bord
Pleanála

Inspector's Report ABP-317921-23

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|-------------------------------------|---|
| Development | Construction of 636 apartments and associated site works. Demolition of structures on site including Milltown Park House. |
| Location | Milltown Park, Sandford Road, Dublin 6, D06 V9K7. |
| Planning Authority | Dublin City Council |
| Planning Authority Reg. Ref. | LRD6026/23-S3 |
| Applicant | Sandford Living Limited |
| Type of Application | Permission for Large Scale Residential Development |
| Planning Authority Decision | Grant permission |
| Type of Appeal | Third Party |
| Appellants | (1) Norwood Park Residents Association (2) Cherryfield Avenue Residents Association (3) Gwenda McInerney |

Observations

- (1) Richview Residents Association
- (2) Emma Coveney
- (3) Margaret Harrington
- (4) Shay Madden
- (5) Nuala Naughton
- (6) Brenna Clarke
- (7) Dr. Graham Connon
- (8) Phil McEntee & Sam Clarke
Kavangh
- (9) Jerome White
- (10) Ann Hodgins
- (11) Milltown Residents Association
Committee
- (12) Colette Donlon
- (13) Barbara Young
- (14) Clare Doherty
- (15) Anna Conroy
- (16) Dr. Zita O'Reilly
- (17) Adrienne Candy
- (18) Ciaran Conroy
- (19) Helen Hyland
- (20) Alexander Conroy
- (21) Rachel Clarke
- (22) Jerome White
- (23) Dermot Murphy
- (24) Daniel Katz
- (25) Mary Lane
- (26) Louis McHugh

- (27) Ray Clarke
- (28) Roseanne Dillon
- (29) Gerard Duggan
- (30) Ciara & Ann Fahy
- (31) Eglinton Residents Association
- (32) Thomas & Helen Bittel
- (33) Aine Ryan
- (34) Stephanie Joy
- (35) M. Therese Garvey
- (36) Julie Ennis
- (37) Marty Hodgins
- (38) Christine O'Connor
- (39) John Barry
- (40) Poland Wong
- (41) Lochlann O'Connor
- (42) Aoife Lucey
- (43) Grace Maguire
- (44) Anne Fitzgerald
- (45) Sally Ann & Brian Littlemore
- (46) Sinead Egan
- (47) Liam Kilcullen
- (48) Olivia O'Reilly
- (49) Pdraig & Rosemary Hogan
- (50) Finn O'Drisceoil
- (51) Helene Byrne
- (52) Iseult Beatty
- (53) Paul Kinney
- (54) Helen Jakobsen
- (55) Ronan McKenna

- (56) Orla Grimes
- (57) Linda O’Nolan
- (58) David Sugrue
- (59) Harry & Pauline Woolfson
- (60) Samrat Paul
- (61) Susan & Con Flood
- (62) Kevin Wong
- (63) Francis Creedon
- (64) David Brophy & Tara Jennings
- (65) Michael Tolan
- (66) Niamh Vainberg
- (67) T.J. O’Keefe

Date of Site Inspection

11th November 2023

Inspector

Colin McBride

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1.0 Site Location and Description

1.1. The site, which has a stated area of 4.26 hectares, is located at Milltown Park to the southeast of Ranelagh and bounded by Sandford Road to the north and Milltown Road to the southeast. The subject site extends to 4.74 hectare to include works on the public road. Adjoining development includes two-storey housing in Norwood Park, Cherryfield Avenue Lower and Cherryfield Avenue Upper to the north and west. The wider area is characterised by mature housing stock of a detached, semi-detached and terraced character, and apartment blocks. Milltown Road is a wide sweeping road with footpaths on both sides and wide grass margins in the vicinity of the site entrance. Sandford Road is again a wide road, with cycle lanes and footpaths on both sides of the road. The roadside boundaries are generally comprised of high stone and render walls, that restrict views into the site. The eastern and northern edges of the site are comprised of mature trees and woodland. The western edge of the site is provided with lower level planting and trees. The southern part of the site is currently occupied by a number of structures, including the 18th C Milltown Park House and associated extensions of varying age and form, a Chapel Building (1860's) and Tabor House (1875). None of these properties are identified on the record of protected structures. There are a number of protected structures to the north and east of the site on Sandford Road and Clonskeagh Road. The site is accessed via an existing entrance from Sandford Road, ornate vehicle and pedestrian gates mark this opening. The remainder of the institutional lands to the south are accessed via a more recently constructed entrance on Milltown Road. Internal access between the subject site and these lands has been closed off.

2.0 Proposed Development

2.1. The proposed development consists of...

The demolition of Milltown Park House; Milltown Park House Rear Extension; the Finlay Wing; The Archive; the link building between Tabor House and Milltown Park House and Milltown Park Rear Extension to the front of the Chapel; The refurbishment and reuse of Tabor House and the Chapel, and the provision of a single-storey glass entrance lobby to the front and side of the Chapel; and the

provision of 636 no. apartment and duplex units (87 no. studio, 227 no. one bed units, 296 no. two bed units and 26 no. three bed units).

The development consists of 636 units configured in 7 no. blocks.

Block A1: 96 no. apartments in a 5-10 storey block.

Block A2: 128 no. apartments in a 6-8 storey block.

Block B: 93 no. apartments in a 3-7 storey block.

Block C: 136 no. apartments in a 2-8 storey block.

Block D: 39 no. apartments in a 3-5 storey block.

Block E: 24 no. duplex units and apartments in a 3 storey block.

Block F: 93 no. apartments in a 5-7 storey block.

Refurbishment to Tabor House (4 storeys including a lower ground floor) and the Chapel to provide cultural/community space; provision of ancillary resident's amenities and facilities; and the provision of a crèche within Block F (390sqm) with an outdoor play area.

A 2.4m high boundary wall across the site from east to west (towards southern boundary) requiring demolition of a portion of the red brick link building that lies within the subject site towards the south-western boundary (36.4sqm) and the making good of the facade at the boundary.

The existing link building is subject to a separate permission (ABP-311552-21/3866/20) that included a request to demolish the link building, including part of the building on the lands subject of this application. If that application is first implemented, no demolition works to the link building will be required under this application. If that permission is not first implemented, permission is here sought to demolish only that part of the Link Building now existing on lands the subject of this application for permission and to make good the balance at the red line with a blank wall.

The development provides a new access from Milltown Road (principal vehicular entrance) in addition to utilising and upgrading the existing access from Sandford Road as a secondary access principally for deliveries, emergencies and taxis; new pedestrian access points; pedestrian/bicycle connections through the site; 337 no. car parking spaces (288 at basement level and 49 at surface level); set down area for deliveries; bicycle parking; 18 no. motorcycle spaces; bin storage; boundary treatments; private balconies and terraces facing all directions; external gantry access in sections of Blocks A1, A2 and C1; hard and soft landscaping including public open space and communal open space; sedum roofs; PV panels; substations; lighting; plant; lift cores; and all other associated site works above and below ground.

2.2 **Table 1: Key Figures**

| | |
|------------------------------------|--|
| Gross Site Area | 4.74 hectares |
| Net site area | 4.26 hectares |
| Gross Floor Area | 54,507sqm (above ground) 10,607sqm (basement) |
| Site Coverage | 27% (including podium). |
| Plot Ratio | 1.28 |
| No. of Apartments | 636 |
| Height | Block A1: 5-10 storey block. (31.575m) Block A2: 6-8 storey block. (28.875m) Block B: a 3-7 storey block. (22.518m) Block C: 2-8 storey block. (26.850m) Block D: 3-5 storey block (16.682m) Block E: 3 storey block (10.558m) Block F: 5-7 storey block. (22.75m) |
| Density – Total Site Area | 149.3 units per hectare (net density) |
| Public Open Space Provision | 14,809 sqm |
| Communal Open Space | 5,123 sqm |

| | |
|--|---|
| Car Parking – Apartments/ Residents | 288 (basement level) 32 (surface level) 4 setdown/collection 5 car share 2 taxi 3 creche 3 community/cultural parking |
| Total | 337 |
| Bicycle Parking | 1391 |
| Motorcycle parking | 18 |

Table 2: Unit Mix

| | Bedrooms | | | | Total |
|-------------------|-----------------------|------------------------|-------------------------|----------------------|--------------|
| | Studio | 1 Bed | 2 Bed | 3 Bed | |
| Apartments | 87 | 227 | 296 | 26 | 636 |
| Total | 87– 13.68% | 227– 35.69% | 296 – 46.54% | 26- 4.08% | 636 |

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

- Planning Report
- Statement of Consistency
- Outline Construction and Environmental Management Plan
- Masterplan and Architecture Design Statement including Housing Quality Assessment
- Environmental Impact Assessment Report (EIAR)
- Landscape Design Statement
- Standalone Trees Report
- Landscape Maintenance Plan
- Basement Impact Assessment
- DMURS Design Statement
- Infrastructure Design Report
- Mobility Management Plan
- Parking Strategy

- Preliminary Construction Management Plan
- Quality Audit
- Response to DCC Opinion (Transportation)
- Site Specific Flood Risk Assessment
- Theoretical Capacity of Public Transport
- Traffic and Transportation Assessment
- Aboricultural Assessment
- Biodiversity Enhancement Plan
- Tree and Woodland Management Plan
- AA Screening
- Lighting Report
- Climate Action, Energy & Sustainability Report
- Justification for Demolition Report
- Pedestrian and Wind Comfort Study
- Childcare Assessment Demand
- Community and Social Infrastructure Audit
- Universal Access Statement
- Building Lifecycle Report
- Property Management Strategy
- Glint & Glare Assessment
- Cultural Infrastructure (Impact) Assessment
- Daylight & Sunlight Report
- Telecommunications Impact Assessment

3.0 Planning Authority Opinion

3.1. The planning authority and the applicant convened a meeting under section 32C of the planning act for the proposed Large-scale Residential Development on the 18th November 2022. The record of that meeting is attached to the current file.

3.2. Further to that meeting the planning authority issued an opinion under section 32D of the act stating that the documents that had been submitted do not constitute a reasonable basis on which to make an application for permission for the proposed LRD unless further consideration is given to the items raised in the LRD opinion and additional materials and details are required.

- Comply with the Z12 zoning and submit masterplan for the entirety of the institutional lands.
- Provision of storage in the apartments in compliance with the recommendations of Apartment Guidelines with some of the storage in apartments inadequate.
- Demonstration of how units comply with Development Plan policy in regards to aspect.
- Address concerns regarding window width serving the duplex units.
- Address concerns regarding separation distances between bedroom windows and a wall in Block F.
- Address concerns regarding the close proximity of bike standards and Block F.
- Address concerns regarding bedroom windows facing onto external walkways.
- Submission of Housing Quality Assessment.
- Submission of an up to date Daylight and Sunlight Assessment prepared in accordance with the current Development Plan.
- Submission of an updated Landscape and Visual Impact Assessment
- Demonstrate compliance with the requirement of 5% community, arts and cultural spaces in accordance with Development Plan policy.
- Demonstrate all works are consistent with the proposed Sandford Clonskeagh to Charlemont Street Pedestrian & Cyclist Improvement Scheme (SC2C).
- Provision of improved pedestrian route in area adjacent Tabor House, review of footpath widths with of 3m on key routes, detailed drawings of bicycle

stores, increased cargo-bike parking spaces, clarify and review timeframes in regards to traffic assessment, clarify construction access in the context of Traffic Assessment and EIAR, further clarity on development phasing and construction access and details regarding taking in charge.

- Further details are required in relation to attenuation, blue roof, basements, surface water sewer with inadequate detail provided in regards to drainage infrastructure.
- Submission of schematic plan indicating public connectivity, communal open space plan, a current tree survey and tree impact assessment, a tree and woodland management plan, revised landscape plan with access to woodland area to Norwood Park, updated boundary plan and updated ecological surveys and biodiversity enhancement plan.
- Additional justification for presence of any single aspect north facing units and scheme compliance with Apartment Guidelines in terms of aspect.
- Justification for quantum of open space.
- Provide demonstration of adequate attenuation.

3.3. The applicant was also notified that the following specific information should be submitted with any application for permission...

- Planning Statement
- Architectural Design Statement
- Lifecycle Report
- Community Safety Strategy
- Childcare Needs Assessment
- Statement of Consistency with Planning Policy
- Operational Waste/Management Plan.
- EIAR
- AA Screening report

- Proposals Under Part V
- Public Lighting Assessment
- Lifecycle Report
- Taking in Charge Plan
- Updated Conservation Assessment
- A Community and Social Infrastructure Audit
- Ecological Assessment
- Microclimate Assessment

4.0 **Planning Authority Decision**

4.1. **Decision**

The planning authority have decided to grant permission subject to 34 conditions. Of note are the following conditions...

Condition 5: Details of uses and groups that will be availing of the 5% community, arts and cultural spaces within the development to be agreed in writing.

Condition 6: Section 47 requirement restricting all houses and duplex units to first occupation by individual purchasers.

Condition 12: Retain services of a qualified Landscape Architect and a qualified Arboriculturist through the life of site development works to supervise and oversee landscaping works.

Condition 17: Biodiversity mitigation and monitoring to be carried out in accordance with submitted Ecological Impact Assessment report and Biodiversity Enhancement Plan.

Condition 18: Provision of public art.

Condition 19: Invasive species to be removed under NPWS license.

Condition no. 20: Clearance of vegetation to be carried out only between 1st September and end of February outside bird breeding season.

Condition no. 21: Implementation of all measures set out in the EIAR to mitigate effects on bats, including resurvey of potential bat roost trees before felling, removal of any tree identified as a bat roost only on receipt of an NPWS license to derogate Habitat Directive.

Condition no. 22: Lighting scheme to be designed to have regard to bats.

Condition no. 24: Revised site layout detailing and improved pedestrian route across the 'forecourt' area in front of Tabor House with a width of at least 3m to facilitate pedestrian and cyclists. Provision of the level of car and cycle parking specified. Provision of shared pedestrian and cycling paths to a width of 3m. All entrances onto Sandford and Milltown Road shall not be gated or where there are existing gates these shall be fixed open.

Condition no. 25: Archaeological Monitoring.

Condition no. 32: Mitigation measures set down in the EIAR shall be implemented in full.

4.2. Planning Authority reports

4.2.1. Planning Reports

Planner report dated 01st of August 2023

Principle of Development: The development was considered to be compliant with development plan zoning policy.

Quality design and Healthy Place making: The development was assessed in the context of the 12 Urban Design Criteria under the Urban Design Manual-A Best Practice Guide 2009. The development was considered to be a well-designed development that integrates with existing context, at the entrance to a Regeneration Area.

Building Height and Density: The site is suitable for a high density development based on its location in terms of high-capacity public transport routes. The applicant has demonstrated that the proposed development would not have a significant visual impact when viewed from the surrounding area.

Sunlight and Daylight: The proposed development was considered to be acceptable in the context of daylight and sunlight levels to the proposed development, sunlight levels of open space areas within the development.

Housing and Residential Amenity: Accommodation standards are consistent with the relevant Guidelines (Apartment Guidelines and Sustainable Urban Housing) in terms of size, internal dimensions and private open space provision. The level of dual aspect units is consistent with the Apartment Guidelines. Unit Mix is considered acceptable.

Childcare: the proposal was considered satisfactory in terms of childcare provision.

Open Space, Green Infrastructure and Natural Heritage: The level of open space provided was considered to be consistent with development plan policy.

Drainage Infrastructure/Flood Risk: The drainage have reviewed the proposal and have no objection subject to conditions.

Ecology: The proposed development was considered be acceptable in terms of impact on ecology and biodiversity with the mitigation measure proposed satisfactory and should be required to be implemented by way of condition.

Sustainable Movement: The proposal was considered to be satisfactory in the context of traffic and transportation with sufficient car parking provided in the context its location within the city and proximity to public transport.

A grant of permission was recommended subject to the conditions outlined above.

4.2.2 Other technical reports:

Environmental Health Officer: No objection subject to conditions.

City Archaeologist: No objections subject to condition.

Parks, Biodiversity & landscape Services: No objections subject to conditions.

Transportation Planning: No objections subject to conditions.

Drainage Division: No objections subject to conditions.

Housing Department: Part V condition to be applied.

Transportation Department: No objection subject to conditions.

4.3. **Prescribed Bodies**

National Transport Authority (14/07/23): NTA consider the development is consistent with the Transport Strategy for the Greater Dublin Area and raise no objection subject to conditions in relation to type of cycle parking and clarity on the manner in which cyclists will access the external cycle network.

Department of Housing, Local, Government and Heritage (27/07/23): No objection subject to conditions including site clearance work to be carried out outside bird breeding season, implementation of mitigation measures set out in the EIAR, provision of lighting scheme with regard to bats and provision of a Construction Management Plan prior to commencement.

4.4. **Third Party Observations**

- 4.4.1. Submissions to the planning authority on the application raised issues similar to those raised in the subsequent third party appeals and observations to the board.

5.0 **Planning History**

- 5.1 **ABP-311302-21:** Permission granted for demolition of existing structures on site, 671 no. Built to Rent apartments, crèche and associated site works. (Granted 23/12/21). Currently the subject to a judicial review proceedings.

I would state that I have not had regard to this project in my assessment of the current proposal with such being assessed on its own merits.

- 5.2 **PL29S.311552(3866/20):** Permission granted for demolition of 83.7 sq m of the red brick link and construction of 2.4 metre high boundary wall. Alterations to structure and all ancillary works. (Granted 23/12/21). At the time of site inspection this development is currently under construction on site and serves to separate the appeal site from the existing institutional uses on lands to the south and southwest.

- 5.3 **PL29S.246869(2673/16):** Permission granted for extension of duration for temporary accommodation on the Society of Jesus Lands (Granted 06/10/16).

- 5.4 **4333/15:** Permission granted for demolition of the existing boundary wall and sliding gate at the side entrance to Milltown Park on Milltown Road, and its replacement with a new boundary wall and set back entrance. This entrance provides access to the remaining Jesuit lands and is located to the south of the proposed entrance to the subject development (Granted 25/02/16).

- 5.5 **PL29S.242764(3044/13):** Permission granted for single-storey temporary school accommodation. (Granted 26/03/14). Subject to an extension of duration and further extension of duration.

6.0 Policy Context

6.1. National Policy

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

In terms of National Planning Policy, Project Ireland 2040: National Planning Framework (NPF) seeks to deliver on compact urban growth. Of relevance, objectives 33 and 35 of the NPF seek to prioritise the provision of new homes at locations that can support sustainable development and seeks to increase densities in settlements, through a range of measures.

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 (2022) (the ‘Apartment Guidelines’).
- Urban Development and Building Height, Guidelines for Planning Authorities (2018) (the ‘Building Height Guidelines’).
- Childcare Facilities – Guidelines for Planning Authorities (2001)

Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for

Planning Authorities (2022) (the 'Apartment Guidelines').

Specific Planning Policy Requirement 1

Housing developments may include up to 50% one-bedroom or studio type units (with no more than 20-25% of the total proposed development as studios) and there shall be no minimum requirement for apartments with three or more bedrooms. Statutory development plans may specify a mix for apartment and other housing developments, but only further to an evidence-based Housing Need and Demand Assessment (HNDA), that has been agreed on an area, county, city or metropolitan area basis and incorporated into the relevant development plan(s).

'Urban Development and Building Height, Guidelines for Planning Authorities' (Building Height Guidelines), '

Section 3.1 of the Building Heights Guidelines presents three broad principles that Planning Authorities must apply in considering proposals for buildings taller than the prevailing heights:

1. does the proposal positively assist in securing National Planning Framework objectives of focusing development into key urban centres and in particular, fulfilling targets related to brownfield, infill development and in particular, effectively supporting the National Strategic Objective to deliver compact growth in our urban centres?
2. is the proposal in line with the requirements of the Development Plan in force and such a plan has taken clear account of the requirements set out in Chapter 2 of the Building Heights Guidelines.
3. where the relevant Development Plan or Local Area Plan pre-dates these Guidelines, can it be demonstrated that implementation of the pre-existing policies and objectives of the relevant Plan or planning scheme does not align with and support the objectives and policies of the National Planning Framework?

Development Management Criteria

Section 3.2

In the event of making a planning application, the applicant shall demonstrate to the satisfaction of the Planning Authority/ An Bord Pleanála, that the proposed development satisfies the following criteria...

At the scale of the relevant city/town.

At the scale of district/neighbourhood street.

At the scale of the site/building.

Specific Assessments.

Building height in suburban/edge locations (City and Town)

Section 3.6 Development should include an effective mix of 2, 3 and 4-storey development which integrates well into existing and historical neighbourhoods and 4 storeys or more can be accommodated alongside existing larger buildings, trees and parkland, river/sea frontage or along wider streets.

Section 3.7 Such development patterns are generally appropriate outside city centres and inner suburbs, i.e. the suburban edges of towns and cities, for both infill and greenfield development and should not be subject to specific height restrictions.

Linked to the connective street pattern required under the Design Manual for Urban Roads and Streets (DMURS), planning policies and consideration of development proposals must move away from a 2-storey, cul-de-sac dominated approach, returning to traditional compact urban forms which created our finest town and city environments.

Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities' (Apartment Guidelines)

Section 2.4 Identification of the types of location in cities and towns that may

be suitable for apartment development, will be subject to local determination by the planning authority, having regard to the following broad description of proximity and accessibility considerations:

1. Central and/or Accessible Urban Locations

Such locations are generally suitable for small- to large-scale (will vary subject to location) and higher density development (will also vary), that may wholly comprise apartments, including:

- Sites within walking distance (i.e. up to 15 minutes or 1,000-1,500m), of principal city centres, or significant employment locations, that may include hospitals and third-level institutions;
- Sites within reasonable walking distance (i.e. up to 10 minutes or 800-1,000m) to/from high capacity urban public transport stops (such as DART or Luas); and
- Sites within easy walking distance (i.e. up to 5 minutes or 400-500m) to/from high frequency (i.e. min 10 minute peak hour frequency) urban bus services.

2. Intermediate Urban Locations

Such locations are generally suitable for smaller-scale (will vary subject to location), higher density development that may wholly comprise apartments, or alternatively, medium-high density residential development of any scale that includes apartments to some extent (will also vary, but broadly >45 dwellings per hectare net), including:

- Sites within or close to i.e. within reasonable walking distance (i.e. up to 10 minutes or 800-1,000m), of principal town or suburban centres or employment locations, that may include hospitals and third level institutions;
- Sites within walking distance (i.e. between 10-15 minutes or 1,000-1,500m) of high capacity urban public transport stops (such as DART, commuter rail or Luas) or within reasonable walking distance (i.e. between 5-10 minutes or up to 1,000m) of high frequency (i.e. min 10 minute peak hour frequency) urban bus services or where such services can be provided;

- Sites within easy walking distance (i.e. up to 5 minutes or 400-500m) of reasonably frequent (min 15 minute peak hour frequency) urban bus services.

Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities identify appropriate locations for higher density with Cities and Larger Towns (Chapter 5).

Public transport corridors: "Walking distance from public transport nodes (e.g. stations/halts/bus stops) should be used in defining such corridors. It is recommended that increased densities should be promoted within 500 metres walking distance of a bus stop, or within 1km of a light rail stop or a rail station. The capacity of public transport (e.g. the number of train services during peak hours) should also be taken into consideration in considering appropriate densities. In general, minimum net densities of 50 dwellings per hectare, subject to appropriate design and amenity standards, should be applied within public transport corridors, with the highest densities being located at rail stations / bus stops, and decreasing with distance away from such nodes. Minimum densities should be specified in local area plans, and maximum (rather than minimum) parking standards should reflect proximity to public transport facilities".

(d) Inner Suburban Infill

The provision of additional dwellings within inner suburban areas of towns or cities, proximate to existing or due to be improved public transport corridors, has the revitalising areas by utilising the capacity of existing social and physical infrastructure. Such development can be provided either by infill or by sub-division:

(i) Infill residential development

Potential sites may range from small gap infill, unused or derelict land and backland areas, up to larger residual sites or residential areas whose character is established by their density or architectural form, a balance has to be struck between the reasonable protection of the amenities and privacy of adjoining dwellings, the protection of established character and the need to provide residential infill. The local area plan should set out the planning authority's views with regard to the range

of densities acceptable within the area. The design approach should be based on a recognition of the need to protect the amenities of directly adjoining neighbours and the general character of the area and its amenities, i.e. views, architectural quality, civic design etc. Local authority intervention may be needed to facilitate this type of infill development, in particular with regard to the provision of access to backlands.

(e) A considerable amount of developable land in suburban locations is in institutional use and/or ownership. Such lands are often characterised by large buildings set in substantial open lands which in some cases may offer a necessary recreational or amenity open space opportunity required by the wider community. In the event that planning authorities permit the development of such lands for residential purposes, it should then be an objective to retain some of the open character of the lands, but this should be assessed in the context of the quality and provision of existing or proposed open space in the area generally. In the development of such lands, average net densities at least in the range of 35-50 dwellings per hectare should prevail and the objective of retaining the open character of the lands achieved by concentrating increased densities in selected parts (say up to 70 dph). The preparation of local area plans setting out targets for density yields, recreational uses and urban form should be considered in advance of development. In the absence of an LAP, any application for development of institutional lands should be accompanied by a masterplan outlining proposals for the entire landholding.

Urban Design Manual: A Best Practice Guide (May 2009). The Urban Design Manual include 12 criteria for assessment of development in terms of urban design (context, connections, inclusivity, variety, efficiency, distinctiveness, layout, public realm, adaptability, privacy and amenity, parking and detailed design).

The Childcare Facilities: Guidelines for Planning Authorities (June 2001) state in the case of New communities/Larger new housing developments that “Planning authorities should require the provision of at least one childcare facility for new housing areas unless there are significant reasons to the contrary for example, development consisting of single bed apartments or where there are adequate childcare facilities in adjoining developments. For new housing areas, an average of one childcare facility for each 75 dwellings would be appropriate”.

6.2. Local

Dubli City development Plan 2022-2028

The site zoned 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’.

These are lands, the majority of which are or which have been in institutional use, which may be developed for other uses in the future. They may include colleges, and residential health care institutions (e.g. hospitals). Significant ancillary facilities such as staff accommodation and dedicated open space and sports/recreational facilities are also often included.

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

In considering any proposal for development on lands subject to zoning objective Z12, other than development directly related to the existing community and institutional uses, Dublin City Council will require the preparation and submission of a masterplan setting out a clear vision for the future development of the entire landholding. In particular, the masterplan will need to identify the strategy for the provision of the 25% public open space requirement associated with any residential development, to ensure a co-ordinated approach to the creation of new high-quality

public open space linked to the green network and/or other lands, where possible. In addition, development shall have regard to the standards in Chapter 15.

On Z12 lands, the minimum 25% public open space shall not be split up into sections/fragmented and shall comprise soft landscape suitable for relaxation and children's play, unless the incorporation of existing significant landscape features and the particular recreational or nature conservation requirements of the site and area dictate that the 25% minimum public open space shall be apportioned otherwise.

Z12 permissible uses include residential, childcare facility, community facility and cultural/recreational building and uses.

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.

Density (Appendix 3)

As a general rule, the following density ranges will be supported in the city.

Table 1:

| Location | Net Density Range (units per ha) |
|----------------------------|----------------------------------|
| City Centre and Canal Belt | 100-250 |
| SDRA | 100-250 |
| SDZ/LAP | As per SDZ Planning Scheme/LAP |
| Key Urban Village | 60-150 |
| Former Z6 | 100-150 |
| Outer Suburbs | 60-120 |

Density Ranges Location

Plot Ratio and Site Coverage Tools such as plot ratio and site coverage can be used as part of a suite of measures to ensure higher density schemes are appropriately developed to a high standard.

Plot Ratio and Site Coverage Tools such as plot ratio and site coverage can be used as part of a suite of measures to ensure higher density schemes are appropriately developed to a high standard.

Table 2: Indicative Plot Ratio and Site Coverage

Outer Employment and Residential Area

Indicative Plot Ratio: 1.0-2.5

Indicative Site Coverage: 45-60%

Appendix 3

Table 3: Performance Criteria in Assessing Proposals for Enhanced Height, Density and Scale

1. To promote development with a sense of place and character.
2. To provide appropriate legibility.
3. To provide appropriate continuity and enclosure of streets and spaces.
4. To provide well connected, high quality and active public and communal spaces.
5. To provide high quality, attractive and useable private spaces.
6. To promote mix of use and diversity of activities.
7. To ensure high quality and environmentally sustainable buildings.
8. To secure sustainable density, intensity at locations of high accessibility.
9. To protect historic environments from insensitive development.

10. To ensure appropriate management and maintenance.

Appendix 5, Table 2: Maximum Car Parking Standards for Various Land Uses

| Land Use | Zone 2 |
|-----------------------------|------------------|
| Houses, Apartments/Duplexes | 1 per dwelling |
| Crèche/Childcare Services | 1 per 100sqm GFA |
| Community Centre | 1 per 275sqm |

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. Applicants must set out a clear case satisfactorily demonstrating a reduction of parking need for the development based on the following criteria:

- Locational suitability and advantages of the site.
- Proximity to High Frequency Public Transport services (10 minutes' walk).
- Walking and cycling accessibility/permeability and any improvement to same.
- The range of services and sources of employment available within walking distance of the development.
- Availability of shared mobility.
- Impact on the amenities of surrounding properties or areas including overspill parking.
- Impact on traffic safety including obstruction of other road users.
- Robustness of Mobility Management Plan to support the development.

Section 4.2 Accessible Spaces: provision of 5% of total number of spaces.

Appendix 5, Section 6.0 Motorcycle Parking: 5% of the rate of number of car parking space provided.

Appendix 5, Table 1: Bicycle Parking Standards for Various Land Uses

| Land Use | Long Stay | Short Stay/Visitor |
|---------------------------|---------------|----------------------|
| Residential Apartment | 1 per bedroom | 1 per two apartments |
| Residential Dwelling | 1 per unit | 1 per 5 dwellings |
| Crèche/Childcare Services | 1 per 5 staff | 1 per 10 children |
| Community centre | 1 per 5 staff | 1 per 100sqm GFA |

Policy QHSN55 Childcare Facilities:

To facilitate the provision of appropriately designed and sized fit-for-purpose affordable childcare facilities as an integral part of proposals for new residential and mixed-use developments, subject to an analysis of demographic and geographic need undertaken by the applicant in consultation with the Dublin City Council Childcare Committee, in order to ensure that their provision and location is in keeping with areas of population and employment growth.

6.3. 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

7.1.1 Third party appeals have been lodged by the follow...

Norwood Park Residents Association

Cherryfield Avenue Residents Association

Gwenda McInerney

The grounds of the appeal are similar in nature and can be summarised as follows....

- Z12 zoning is not zoned for housing or suitable for a Large Scale Residential Development and the percentage of non housing related development proposed is insufficient.
- Non-compliance with criteria for Z12 including inadequate masterplan provision, too much similarity to previous SHD proposal on site, public space provision split up by development buildings and compromised by provision of communal open space serving proposed structures, lack of details regarding the nature and type of community and cultural uses proposed.
- Lack of provision of public open space along the western side.
- Excessive height with the proposal contrary the City Development Plan and Urban Development and Building Height guidelines with the site located at an suburban/edge location (city and town) and a failure to make a qualitative assessment of height and massing of the development in the context of its location and in the context of Development Plan and Building height guidelines.
- Excessive density at this location with the site a suburban location and density in excess of the set out under the Apartment Guidelines. The density is contrary to Development plan policy and the net densities identified for outer suburb. The excessive density is inappropriate in the context of the substandard design of the proposal.
- Overbearing impact, overshadowing, overlooking/loss of privacy on adjoining properties including Norwood Park and Cherryfield Avenue due to scale, height bulk and proximity of the development. Inadequate level of separation between proposed development on site and existing residential properties abutting/backing onto the site and loss of existing trees along the western

boundary. Distortional level of development along the western portion of the site.

- Development is contrary National Planning Framework, RSES, the Development Management Guidelines, and Design Standards for New Apartments, Sustainable Residential Development Guidelines, Urban Design manual and the Urban Development and Building Heights Guideline due to its excessive density, scale overall design and layout in the context of the surrounding area.
- Adverse impact on daylight and sunlight to existing residential properties adjoining the site.
- Adverse impact of noise levels from the site as a result of increased activity.
- Excessive loss of habitat with inadequate compensatory measures due to loss of woodlands. Severance of an ecological corridor. Loss of amenity grassland would reduce available habitat. Contrary National Climate Plan due to loss of existing trees and habitat.
- Insufficient surveys in relation to bats and the roosting potential of the existing trees and structures on site, underestimation of value of trees and habitats, severance of ecological corridor.
- Inadequate survey in relation to birds and collision risk.
- Open space areas will be deficient on quality due to being overshadowed by the proposed development or significantly enclosed failing to meet the zoning objective.
- The proposal would have a visually obtrusive and adverse visual impact at this location due to overall scale and design. Adverse visual impact when viewed from adjoining dwellings due to scale proximity and lack of vegetation
- Inadequate quality of residential development with excessive number of units per lift core, insufficient unit mix in accordance with Development Plan standards (number of studio and one bed units), prevalence of north facing single aspect windows, level of bedroom windows facing onto a shared access area.

- The proposal is deficient in urban design and quality and fails to comply with development Plan policy in regards to such and the does not comply with the criteria of Urban Design Manual .
- Lack of assessment of school demand at this location. There is inadequate childcare provision with childcare facility proposed inadequate in the number child spaces it provides and inadequate in floor area.
- The level of car parking spaces provided is inadequate in the context of Development Policy. There is concern that the proposal will cause traffic congestion and exacerbate pressure on existing on-street parking .The proposal will result in inappropriate loss of built heritage with demolition of the existing structures on site and the structures to be retained will have their setting significantly changed

7.2. Applicants' Response

7.2.1 A response to the appeal submission has been submitted by the applicant Sandford Living-

- The height of the proposed blocks is the same as the height of the blocks part of the SHD development granted under ABP-311302-21 (subject to judicial review). The height complies with local, regional and national planning policy and the blocks are designed to have regard to site constraints including retention of trees on site, existing structures and have regard to the visual and residential amenities of the area.
- In terms of building height the applicants consider the site to be an inner suburban site and not a suburban/edge location (City and Town) in the context of the Building Height Guidelines. The site is an accessible site that can facilitate appropriate increased building heights.
- The density proposed is decreased from the permitted SHD development under ABP-311302. The location of the site does not fit into the density table under the CDP (Table 1 in Appendix 3) and cannot be classified as an outer suburbs area. The plot ratio and site coverage (Table 2 Appendix 3) are well

within the indicative range for a residential area illustrating the development is not overdevelopment of the site.

- The design and scale of development abutting properties in Norwood Park and Cherryfield Avenue upper have regard to residential amenities in their height, design of windows above ground floor level and separation distances.
- The level of tree removal is to facilitate the provision of a new public park and the removal of poorer specimen trees would improve biodiversity at this location. The proposal provides an appropriate balance between retention of existing trees and the densification of an appropriate urban site. The number of new trees provided is less than the previous SHD proposal, and to ensure increased daylight for future residents in the context of updated BRE Guidelines (2022).
- The proposal provides in excess of the 25% public open space requirement for the Z12 zoning. The design and layout of public open space is of sufficient quality providing for future residents and providing a public park accessible to the wider community.
- Block F complies with the Apartment Guidelines in terms of no. of apartments per individual stairs/lift core.
- The units mix complies with the requirements of the City Development plan with Table 37 of Appendix 1 relating to two sub-areas not relating to the site.
- The childcare demand of the site was estimated excluding the studio and one bed apartments in line with national guidelines and the capacity of the childcare facility is sufficient. The level of open space associated with the childcare facility is also sufficient.
- The bedrooms windows in Block C oriented onto a gantry are recessed with a proposal for a planter to create a buffer/privacy strip.
- The level of single aspect north facing units is low (7.5%) and is inevitable in a scheme of this nature. There is high level of dual aspect units (51%).
- The provision of open space both communal and public open space relative to Block A is satisfactory for the future amenities

- In relation to parking, the standards under Table 2 Appendix 5 are maximum standards with maximum of 1 space per unit permitted. The site is accessible to Luas and bus services and complies with national policy to minimise car parking. The reduced quantum of parking is acceptable in the context of the sites proximity to public transport and the accessibility of the city centre by pedestrian/cyclists.
- Residential use is clearly a permitted use within the Z12 zoning objective.
- The applicant rejects the claim that they cannot lodge a LRD application while the previously permitted SHD application approved is subject to current judicial review proceedings.
- The applicant has prepared a Masterplan in compliance with the Z12 zoning objective providing for 25% public open space and providing indicative future links to the adjoining Z15 lands that remain in Institutional use.
- The applicant has not specified end users for the community and cultural uses due to issue concerning the length of time it may take to secure permission pointing to the current judicial review proceedings regarding the SHD development approved on site previously.
- In response to suggestions that school should be built on site the applicant refers to the Z12 zoning of the site and notes that the Z15 zoning adjoining caters for such.
- The justification for demolition of existing structures is that such were not viable for conversion due to level of alteration required and building constraints. The most viable structures are being retained and are the structures for demolition are lesser architectural character.
- The EIAR provides sufficient information to assess the proposal.
- A separate response to ecological issues is provided with it noted that bat surveys are sufficient to assess impact and were carried out both in relation to the trees for removal and existing structures which are assessed as having low roosting potential. It is also refuted that an NIS is required with reference to the AA screening report carried out.

- Sufficient information is provided to carry out Appropriate Assessment screening and bats/bat habitats are not qualifying interest of any European site within the zone of influence of the project.
- Bird surveys carried out recorded no established flight-line obstruction/collision risk posed by the development.
- The proposal does not include the removal of habitats of high ecological value.

7.3. Planning Authority Response

7.3.1. Response by Dublin City Council

- The Planning Authority request that the Board uphold the decision to grant permission and in the event of grant of permission a number of conditions are included.

7.4. Prescribed Bodies

7.4.1 None.

7.5. Observations

7.5.1 67 observations have been received. The issues raised in the observations are similar in nature and can be summarised as follows...

- Excessive density of development in the context of Development Plan policy and the surrounding area.
- Excessive and unjustified height in the context of the surrounding area and failure to comply with Development Plan policy in regards to height.
- Excessive bulk and scale, out of character with surrounding area, visually obtrusive and inappropriate adjoining an area zoned Z2 (residential conservation area).
- Adverse impact on the amenities of adjoining properties due excessive, bulk scale and massing and lack of adequate separation distances resulting in an overbearing development causing a loss of privacy, overshadowing/loss of

daylight and sunlight and devaluation of property. Adverse impact on residential amenities of existing properties at Cherryfield Avenue Lower, Norwood and Millbrook Court.

- Disruptive construction impact on adjoining residential development, noise, dust and general disturbance.
- Loss of trees along the western side of the site would be detrimental to adjoining residential amenities.
- Loss of existing green space that has been publicly accessible and lack of sufficient amenity spaces within the area (playing pitches, play areas). Lack of provision of public open space along the western side of the site. Concerns regarding the design of public open space and its accessibility to adjoining area, provision of a condition requiring public access.
- Adverse impact on the natural environment, significant loss of trees, habitat loss, impact on wildlife and biodiversity. Assessment of existing trees on site are deficient in terms of their value and contribution, bat surveys deficient in terms assessing the roosting potential of the site and existing structures on site. Impact in terms of climate change with loss of existing green space.
- Adverse traffic impact with existing congestion in the area, additional traffic will exacerbate such and the proposal will put pressure existing limited parking availability in the area.
- Adverse impact on architectural heritage including impact on existing structures on site, the relationship between existing structures to be retained and the development, the Z12 zoning and existing protected structures within the area.
- The proposal is not sufficiently different from the previous SHD proposal on site (ABP-311302-21). Lack of consultation with the residents of the surrounding area.

8.0 Screening

8.1 Appropriate Assessment

Applicant's Stage 1 – Appropriate Assessment Screening

8.1.1 The applicant has engaged the services of Envioguide Consulting, to carry out an appropriate assessment screening. I have had regard to the contents of same.

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

The areas addressed are as follows:

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

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

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

8.1.4 The subject lands are described in section 4.21 of this report. The site is not directly connected with, or necessary to the management of a Natura 2000 sites. The zone of influence of the proposed project would be limited to the outline of the site during

the construction phase. The proposed development is therefore subject to the provisions of Article 6(3).

8.1.5 The screening report identifies 18 European Sites within the potential zone of influence, their location relative to the site and potential source-pathway receptor link (Table 2) and these are as follows:

Table 2

| Site | Site Code | Distance | Source pathway receptor link |
|-------------------------------|-----------|----------|--|
| South Dublin Bay SAC | (000210) | 2.2km | Yes: Foul water discharge to Ringsend WWTP and ultimately Dublin Bay. Stormwater network flows to the River Dodder, eventually the River Liffey and Dublin Bay. |
| North Dublin Bay SAC | (000206) | 6km | Yes: Foul water discharge to Ringsend WWTP and ultimately Dublin Bay. Stormwater network flows to the River Dodder, eventually the River Liffey and Dublin Bay. |
| Rockabil to Dalkey Island SAC | (003000) | 9.9km | Yes: Foul water discharge to Ringsend WWTP and ultimately Dublin Bay. Stormwater network flows to the River Dodder, eventually the River Liffey and Dublin Bay. (South Dublin Bay. |
| Wicklow Mountains SAC | (002122) | 9.1km | No pathway exists |
| Glenasmole Valley SAC | (001209) | 10.4km | No pathway exists |

| | | | |
|--|----------|--------|--|
| Ballyman Glen SAC | (000713) | 13.2km | No pathway exists |
| Knocksink Wood SAC | (000725) | 11.8km | No pathway exists |
| Howth Head SAC | (000202) | 11km | No significant hydrological connection due to intervening distance. |
| Baldoyle Bay SAC | (000199) | 11.5km | No significant hydrological connection due to intervening distance. |
| Irelands Eye SAC | (002193) | 14.8km | No significant hydrological connection due to intervening distance. |
| Malahide Estuary SAC | (000205) | 14.9km | No significant hydrological connection due to intervening distance. |
| South Dublin Bay and River Tolka Estuary SPA | (004024) | 2.2km | Yes: Foul water discharge to Ringsend WWTP and ultimately Dublin Bay. Stormwater network flows to the River Dodder, eventually the River Liffey and Dublin Bay. (South Dublin Bay. |
| North Bull Island SPA | (004006) | 6km | Yes: Foul water discharge to Ringsend WWTP and ultimately Dublin Bay. Stormwater network flows to the River Dodder, eventually the River Liffey and Dublin Bay. (South Dublin Bay. |
| Wicklow Mountains SPA | (004040) | 9.4km | No pathway exists |
| Dalkey Islands SPA | (004172) | 10.5km | No significant hydrological connection due to intervening distance. No ex-situ habitat for qualifying interests. |

| | | | |
|------------------|----------|--------|--|
| Baldoyle Bay SPA | (004016) | 11.5km | No significant hydrological connection due to intervening distance. No ex-situ habitat for qualifying interests. |
| Howth Head SPA | (004113) | 13.3km | No significant hydrological connection due to intervening distance. No ex-situ habitat for qualifying interests. |
| Irelands Eye SPA | (004117) | 14.6km | No significant hydrological connection due to intervening distance. No ex-situ habitat for qualifying interests. |

8.1.6 The AA screening report concludes that the only sites where a source pathway receptor link are as follows...

South Dublin Bay SAC (000210)

North Dublin Bay SAC (000206)

North Bull Island SPA (004006)

South Dublin Bay and River Tolka Estuary SPA (004024)

Rockabil to Dalkey Island SAC (003000)

The qualifying interest of these are outlined in Table 2 of the screening report and are outlined below...

Table 3

| Name | Site Code | Distance from Site |
|--|-----------|--------------------|
| South Dublin Bay SAC Conservation Objectives: To maintain the favourable conservation condition of the qualifying interests. | (00210) | 2.2km |

| | | |
|---|----------|-----|
| <p>Qualifying Interests</p> <p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Annual vegetation of drift lines [1210]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Embryonic shifting dunes [2110]</p> | | |
| <p>North Dublin Bay SAC</p> <p>Conservation Objectives:</p> <p>To maintain and restore the favourable conservation condition of the qualifying interests.</p> <p>Qualifying Interests</p> <p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Annual vegetation of drift lines [1210]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>) [1330]</p> <p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p> <p>Embryonic shifting dunes [2110]</p> <p>Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120]</p> <p>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p> <p>Humid dune slacks [2190]</p> <p><i>Petalophyllum ralfsii</i> (Petalwort) [1395]</p> | (00206) | 6km |
| <p>North Bull Island SPA</p> <p>Conservation Objectives:</p> <p>To maintain the favourable conservation condition of the qualifying interests.</p> | (004006) | 6km |

| | | |
|--|----------|-------|
| <p>Qualifying Interests</p> <p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Shelduck (<i>Tadorna tadorna</i>) [A048]</p> <p>Teal (<i>Anas crecca</i>) [A052]</p> <p>Pintail (<i>Anas acuta</i>) [A054]</p> <p>Shoveler (<i>Anas clypeata</i>) [A056]</p> <p>Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</p> <p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Knot (<i>Calidris canutus</i>) [A143]</p> <p>Sanderling (<i>Calidris alba</i>) [A144]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Black-tailed Godwit (<i>Limosa limosa</i>) [A156]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Curlew (<i>Numenius arquata</i>) [A160]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Turnstone (<i>Arenaria interpres</i>) [A169]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Wetland and Waterbirds [A999]</p> | | |
| <p>South Dublin Bay and River Tolka Estuary SPA</p> <p>Conservation Objectives:</p> <p>To maintain the favourable conservation condition of the qualifying interests.</p> <p>Qualifying Interests</p> <p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</p> <p>Ringed Plover (<i>Charadrius hiaticula</i>) [A137]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Knot (<i>Calidris canutus</i>) [A143]</p> <p>Sanderling (<i>Calidris alba</i>) [A144]</p> | (004024) | 2.2km |

| | | |
|--|----------|-------|
| 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] Arctic Tern (<i>Sterna paradisaea</i>) [A194] Wetland and Waterbirds [A999] | | |
| Rockabil to Dalkey Island SAC Conservation Objectives: To maintain the favourable conservation condition of the qualifying interests. Qualifying Interests Reefs [1170] Phocoena phocoena (Harbour Porpoise) [1351] | (003000) | 9.9km |

8.2 Applicant's Screening Report Assessment of Likely Significant Effects:

8.2.1 The submitted AA Screening Report considers the assessment of likely significant effects. The sites potentially at risk from likely significant effects based on source-pathway-receptor links are the South Dublin Bay SAC, North Dublin Bay SAC, North Bull Island SPA and the South Dublin Bay & River Tolka Estuary SPA.

Potential impacts are identified as follows...

Construction Phase

Surface water run-off containing silt, sediments and other pollutants to nearby waterbodies, surface water drainage network and local groundwater.

Increased noise, dust, vibration and human presence during construction. Increased dust and air emissions from construction traffic.

Operational Phase

Surface water run-off containing silt, sediments and other pollutants to the surface water drainage network. Increased foul water loading on WWTP.

Potential collision risk for bird species that are qualifying interests of designated sites.

Increased lighting.

Increased human presence.

Potential impacts of the construction and operational phase of the development were assessed under the following headings...

Habitat Loss and Alteration

Habitat/Species Fragmentation

Disturbance/ or Displacement of Species

Changes in Population Density

Changes in water Quality and Resource

In-combination Effects

Habitat Loss and Alteration:

There will be no direct habitat loss and alteration of any designated site. The site is not a suitable ex-situ habitat foraging or breeding habitat for the bird species (bird surveys carried out as part of the Biodiversity Enhancement Plan) that are qualifying interests of the North Bull Island SPA and the South Dublin Bay & River Tolka Estuary SPA.

Habitat/Species Fragmentation:

No habitat fragmentation of any designated site and no habitat fragmentation of ex-situ habitat for species that are qualifying interests of any designated sites.

Disturbance/ or Displacement of Species

Disturbance effects of development would not stretch significantly past the boundaries of the site during the construction phase with the site a sufficient distance from any designated site to ensure no disturbance and/or displacement of species. Hydrological connection between the site and designated sites are indirect. Winter bird surveys identified no flight paths above the for species that are qualifying interests of the designated sites within the zone of influence of the project.

Changes in Population Density

No changes in population density as the site is sufficiently separated from any designated site, not an ex-situ habitat for qualifying interests and has indirect hydrological connection to designated sites.

Changes in Water Quality and Resource

During construction phase the risk of contamination of surface water will be reduced by construction management measures to prevent discharge of polluting materials to surface water and subsequent drainage into designated sites. In absence of such measures or if such measures fail no significant effects are anticipated due to indirect connection and potential dilution due to distance between the site and marine based designated sites. The site is surrounded by aquifers of low and medium vulnerability and the site is remote from designated sites with changes in water quality unlikely in regards to groundwater pollution during the constitution phase.

There is potential for indirect loss or alteration of qualifying interest habitat during the construction phase due to deterioration of water quality through pollutant laden surface water discharge to the surface water network and subsequently to the River Dodder, which is the nearest watercourse 250m away and drains into River Liffey and subsequently the designated sites identified. During the construction phase

inadvertent discharge to surface water would have no significant effects due to distance between the application site and the designated sites and the dilution factor. During the operational phase surface water drainage will be to the surface water network and SuDs measures will prevent deterioration of water quality through surface water discharge.

Discharge of foul water during the operational phase will be to the Ringsend WWTP approximately 11.5km from the site. The existing wastewater treatment system is operated under licence and Uisce Eireann have indicated confirmation feasibility to connection the existing WWTP without upgrade required. It is not anticipated that the proposed development would have significant effect on water quality due to discharge of foul water to the existing municipal WWTP.

In-combination Impacts:

In-combination effects are considered in the applicant's report and following the consideration of a number of other plans and projects including planning applications in the area (listed in Table 13 of the Screening report), it is concluded that is no potential for in-combination effects given the scale and location of the development.

8.3 Applicants' AA Screening Report Conclusion:

The AA Screening Report has concluded that the possibility of any significant effects for South Dublin Bay SAC, North Dublin Bay SAC, Rockabil to Dalkey Island SAC, North Bull Island SPA and the South Dublin Bay, River Tolka Estuary SPA can be ruled out and there is no requirement for a Stage 2 Appropriate Assessment.

8.4 Appropriate Assessment Screening:

8.4.1 In determining the Natura 2000 sites to be considered, I have had regard to the nature and scale of the development, the distance from the site to the designated Natura 2000 sites, and any potential pathways which may exist from the

development site to a Natura 2000 site. The site is not directly connected with, or necessary to the management of any Natura 2000 sites. The impact area of the construction phase would be limited to the outline of the site.

8.4.2 In terms of the zone of influence, I would note that the site is not within or immediately adjacent to a European site and therefore there will be no direct loss or alteration of habitat, or habitat/ species fragmentation as a result of the proposed development. I have had regard to the submitted Appropriate Assessment screening report, which identifies that while the site is not located directly within any Natura 2000 areas, there are a number of Natura 2000 sites sufficiently proximate or linked (indirectly) to the site to require consideration of potential effects. These are listed earlier with approximate distance to the application site indicated. The specific qualifying interests and conservation objectives of the above sites are described above. In carrying out my assessment I have had regard to the nature and scale of the project, the distance from the site to Natura 2000 sites, and any potential pathways which may exist from the development site to a Natura 2000 site, as well as by the information on file, including observations on the application made by prescribed bodies, and I have also visited the site.

8.4.3 I concur with the conclusions of the applicant's screening that significant effects on any European sites can be ruled out at the screening stage. There is an indirect hydrological connection in the form of surface water drainage with surface water from the site entering the existing surface water network and discharging to the River Dodder, subsequently to the River Liffey with the potential impact associated with contamination of surface water during construction or operation. I consider that significant effects on any other designated Natura 2000 sites can be ruled out given the lack of source pathway receptors between the application site and other designated sites, the distant and interrupted hydrological connection, the nature and scale of the development and the distance and volume of water separating the application site from designated sites in the marine environment (dilution factor).

8.4.4 I am of the view in relation to the marine based designated sites (South Dublin Bay SAC, North Dublin Bay SAC, North Bull Island SPA and the South Dublin Bay & River Tolka Estuary SPA) that significant effects as a result of deterioration of water quality can be ruled out on the basis of implementation of construction management measures during the construction phase that would prevent discharge of sediment and polluting materials to surface and groundwater. At the operational phase surface water drainage proposal including SuDs measures and standard surface drainage measures associated with urban development are sufficient to prevent contamination of surface water or ground water. In relation to foul water drainage the proposal is to be connected to existing foul drainage system with effluent discharging to the Ringsend WWTP which discharges to the marine environment and is operated under licence. I note various measures outlined in the submitted Outlined Waste and Construction and Management Plans during the construction and operational phase of the development. I am satisfied that these are standard construction/operational processes and cannot be considered as mitigation measures. These measures are standard practices for urban sites and would be required for a development on any urban site in order to protect local receiving waters, irrespective of any potential hydrological connection to Natura 2000 sites. In the event that the pollution control and surface water treatment measures were not implemented or failed I am satisfied that the potential for likely significant effects on the qualifying interests of Natura 2000 sites in the marine environment, from surface water runoff and groundwater, can be excluded given the interrupted hydrological connection, the nature and scale of the development and the designated sites being part of the marine environment (dilution factor).

8.4.5 The applicant's screening report relies on the results of bird surveys (outlined in the Biodiversity Enhancement report), which indicate that the application site is not used by populations of bird species that are qualifying interests of any of SPA sites identified within the potential zone of influence of the site. Given the separation of application site from the designated sites, the conclusions of the AA screening report is that it not likely that the application site provides significant ex situ habitat to support the protected species of the SPAs is accepted. The appeal submission and observation raise the issue of bat species in the context of AA. In this case none of

the designated sites within the zone of influence of the project have any bat species as qualifying interests and this is not a relevant consideration under Appropriate Assessment.

8.4.6 In relation to the potential for disturbance of habitats and species that are qualifying interests of designated sites, the application site as noted above is 2.2km from the nearest designated site. In relation to construction activity the application site is sufficiently separated from any designated Natura 2000 sites so as the impact of construction (noise, dust and vibration) would cause no disturbance and implementation of standard construction management measures (cannot be considered as mitigation measures as they would apply regardless of connection to European Sites) would prevent construction disturbance beyond the immediate vicinity of the site.

8.4.7 In-combination effects are considered in the applicant's screening report and following the consideration of a number of plans and projects including planning applications in the area, which are mainly relating to other residential development, there is no potential for in-combination effects given the scale and location of the development and the fact that such are subject to the same construction management and drainage arrangements as this proposal (cannot be considered as mitigation measures as they would apply regardless of connection to European Sites).

8.4.8 The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. Having carried out Screening for Appropriate Assessment I consider that the proposed development either individually or in combination with other plans or projects would not be likely to have a significant effect on any designated European Sites, in view of the sites' Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is not therefore required.

This determination is based on the following:

- The location of the proposed development physically separate from the European sites.
- The scale of the proposed development involving a change in the condition of lands 4.26 hectares in area from institutional use to a primarily residential use on lands zoned for urban expansion.

This screening determination is not reliant on any measures intended to avoid or reduce potentially harmful effects of the project on a European Site.

The following are noted:

1. The Proposed Development is not directly connected with, or necessary to the conservation management of the European sites considered in this assessment.
2. The Proposed Development is unlikely to either directly or indirectly significantly affect the Qualifying Interests or Conservation Objectives of the European sites considered in this assessment.
3. The Proposed Development, alone or in combination with other projects, is not likely to have significant effects on the European sites considered in this assessment in view of their conservation objectives.
4. It is possible to conclude that significant effects can be excluded at the screening stage'.

There is no requirement therefore to prepare a Stage 2 – Appropriate Assessment.

9.0 **Assessment**

9.1. The planning issues arising from the submitted development can be addressed under the following headings-

- Zoning/principle of development
- Density
- Unit mix
- Building height
- Visual Impact

- Urban Design
- Residential Amenity - Future Occupants
- Residential Amenity - Adjoining Amenities
- Traffic and Transportation
- Educational/Childcare Demand
- Ecology/Biodiversity
- Justification for demolition of existing structures
- Other Issues

9.2 Zoning/principle of development:

9.2.1 The proposed development is on lands zoned Z12, Institutional Land (Future Development Potential) with a stated objective 'to ensure existing environmental amenities are protected in the predominantly residential future use of these lands'. The proposal features 636 residential units, a childcare facility, a community facility and cultural/recreational building. All of these uses are permissible uses within the Z12 zoning objective.

9.2.2 The proposal is compliant with all criteria set out under the Z12 zoning (outlined above) with the provision of in excess of 25% of the area as public open space and the provision of masterplan. The proposal entails the development of the entirety of lands Z12 at this location and the masterplan does provide details of future connection to the adjoining Z15 lands to the south and south west, which are currently in active institutional use and are in separate ownership. Permission has been granted under PL29S.311552 for demolition of the red brick link and construction of 2.4 metre high boundary wall to separate the appeal site from the existing institutional uses on lands to the south and southwest. This element is currently under construction on site.

9.2.3 Conclusion: I am satisfied that the proposed development is consistent with the Z12 zoning objective of the City Development Plan and meets the criteria set out under

this zoning in relation to public open space provision and masterplan. The principle of the proposed would be acceptable at this location.

9.3 Density:

- 9.3.1 The proposed development has a net density of density of 149.3 units per hectare. Table 1 of the Development Plan outlines the density ranges that will be generally supported based on location. The appellants' point to the site as being an outer suburban location with the range 60-120 (Appendix 3, Table 1 of the CDP) whereas the applicant considers that the site does not fit readily into any of the classifications set out in the Table and that the density is appropriate having regard to the accessibility of the location.
- 9.3.2 City Development Plan policy on density is set out under the planning policy section above. It is clearly stated in relation to Table 1 that "as a general rule, the following density ranges will be supported in the city". In this regard the density ranges indicated are not hard limits with all proposals with significant increased height and density over the existing prevailing context must demonstrate full compliance with the performance criteria set out in Table 3, Appendix 2 of the CDP (Performance Criteria in Assessing Proposals for Enhanced Height, Density and Scale). The CDP also refers to plot ratio as measures that can be considered in terms of assessment of density. In this case the plot ratio and site coverage are within the indicative ranges identified for the Outer Employment and Residential Area (27% and 1.28). In the case of open space the development provides the required 25% of public open space required by the Z12 zoning in addition to communal open space on site. The performance criteria under Table 3 are elements that will be addressed in the following section of this report and subject to compliance with such the density proposed would be acceptable.
- 9.3.3 In the context of national policy the appeal site is an Intermediate Urban Location in context of the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities' (Apartment Guidelines) with the appeal site within walking distance (i.e. between 10-15 minutes or 1,000-1,500m) of high capacity urban public transport stops with the Cowper and Milltown Luas stop on the

green line a 1.2km walk from the site. The site is also within walking distance of reasonably frequent (min 15 minute peak hour frequency) urban bus services with bus routes along Sandford Road (routes 11, 44, 61) and Milltown Road (44 and 61). Taken in conjunction these bus routes provide a frequent service to the city centre. Such areas are suitable for higher density development that may wholly comprise apartments, or alternatively, medium-high density residential development of any scale that includes apartments. I would acknowledge that the site is former institutional lands and that is a category under the Sustainable Residential development in Urban Areas for density. I would note that these guidelines are less up to date than the Apartment Guidelines and the Development Plan, which envisages much higher densities within the city including up to 120 in outer suburban areas and that a restriction to 70 units per hectare would be inappropriate and an inefficient use of land considering the locational context of the site.

9.3.4 Conclusion: I would be of the view that the site is suitable site for increased densities based on both national local planning policy and have no reason to consider that the density proposed is excessive unless other factors such as overall quality of development, visual impact, scale and physical impact on adjoining properties demonstrate to the contrary (including the criteria under Table 3, Appendix 2). These aspects of the proposal are all to be explored in the following sections of this report. 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.

9.4 Unit mix:

9.4.1 The proposal provides for 636 units with split into 87 no. studio apartments (13.68%), 227 no. one bed apartments (35.69%), 296 no. two bed apartments (46.54%) and 26 no. three bed apartments (4.08%). In terms of housing mix the City Development Plan provides a defined restriction in unit mix in only two geographical

areas of the city (NIC Sub-City Area and Liberties Sub-City Area, Table 37, Appendix 1) with SPPR 1 of the Apartment Guidelines applicable to the remainder of the Dublin City. The proposed unit mix is compliant with SPPR 1 of the Apartment Guidelines which allows for up to 50% of a housing development to be made up of studio and one bed units (49.37%) with no more than 20-25% of the entire development made up by studios (13.68%).

9.4.2 Conclusion: The overall units mix is compliant with the City Development Plan and the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2022) (the 'Apartment Guidelines').

9.5 Building Height:

9.5.1 The appeal submissions raise concerns regarding excessive building height at this location. The proposal provides for building heights ranging from three-storeys up to ten-storeys. There is a variation in building heights within the surrounding area with two-storey dwellings bounding the site to the west and north (Cherryfield Avenue and Norwood Park), three-storey dwellings along Sandford Road to the north of the site, three (Mount Sandford) and six storey (Cedar/Rowan Hall and Grove House) apartment blocks to the east and south on the opposite side of Milltown Road and to the south east. The appeal submissions refer to Section 3.6 of the Urban Development and Building Heights guidelines in arguing the proposal is excessive in height in the context of existing scale and character of the area and the fact that it refers to a mixture of 2, 3 and 4 storey development within suburban/edge locations (City and Town).

9.5.2 The Urban Heights and Building Guidelines and in particular Section 3.6 does not place a height limit on development within such locations and indicates that four storeys or more can be accommodated alongside existing larger buildings, trees and parkland, river/sea frontage or along wider streets. Section 3.7 further confirms that specific heights limits should not apply in such locations. The Urban Development and Building Height Guidelines under Section 3.2 provide the Development Management Criteria for assessing building height. The City Development Plan

policy encourages increased building height within the city with adequate regard to protection of existing amenities and environmental sensitivities, protection of residential amenity and the established character of the area (Policy SC16). The Performance Criteria in Assessing Proposals for Enhanced Height, Density and Scale are under Table 3 of Appendix 2 of the City Development Plan.

9.5.3 To assess building height I consider appropriate to examine the development under both the Development Management Criteria under Section 3.2 of the Urban Development and Building Heights Guidelines and the Performance Criteria in Assessing Proposals for Enhanced Height, Density and Scale are under Table 3 of Appendix 2 of the City Development Plan.

9.5.4 I have set out the criteria under national policy guidance and my response to each in the following table.

| At the scale of the relevant city/ town | |
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| Criteria | Response |
| The site is well served by public transport with high capacity, frequent service and good links to other modes of public transport. | Public transport is available in the form of Dublin Bus Routes, with bus stops less than 400 m from the site. Route no.s 11, 44 and 61 are in operation and in combination give access to frequent service to the city centre and outskirts of the city. In addition the site is 1.2km from both the Cowper and Milltown Luas Green Line stops. I am satisfied that the area is well served by public transport in terms of available capacity and frequency. |
| Development proposals incorporating increased building height, including proposals within | <ul style="list-style-type: none"> No protected views, Architectural Conservation Area (ACA), or other architectural/ visual sensitives apply to |

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| <p>architecturally sensitive areas, should successfully integrate into/enhance the character and public realm of the area, having regard to topography, its cultural context, setting of key landmarks, and protection of key view.</p> <p>Such development proposals shall undertake a landscape and visual assessment, by a suitably qualified practitioner such as a chartered landscape architect.</p> | <p>this site. The development is not located within a landscape character area worthy of particular protection.</p> <ul style="list-style-type: none"> • Verified Views/CGI's have been prepared in support of the application. • A Masterplan and Architecture Design Statement has been submitted. • A Landscape and Visual Impact Assessment is provided as part of EIAR. <p>I am satisfied that adequate supporting details have been provided to demonstrate that the development will integrate with the existing character of the area.</p> |
| <p>On larger urban redevelopment sites, proposed developments should make a positive contribution to place-making, incorporating new streets and public spaces, using massing and height to achieve the required densities but with sufficient variety in scale and form to respond to the scale of adjoining developments and create visual interest in the streetscape.</p> | <ul style="list-style-type: none"> • The proposal provides for development setback from the road frontage with the provision of significant area of public open space on the eastern side that will be publicly accessible and with a dedicated pedestrian entrance. • The buildings are staggered downwards where they adjoin existing houses/ properties located to the west of the subject site. • A Masterplan and Architecture Design Statement has been submitted. <p>I am satisfied that adequate supporting details have been provided to demonstrate that the development will integrate with the existing character of the area.</p> |
| At the scale of district/ neighbourhood/ street | |
| Criteria | Response |

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| <p>The proposal responds to its overall natural and built environment and makes a positive contribution to the urban neighbourhood and streetscape.</p> | <ul style="list-style-type: none"> • The development will provides for a layout that has a limited impact on the roadside frontages of the site having regard to the zoning of the site and the requirement for 25% of public open space and retention of existing mature vegetation. |
| <p>The proposal is not monolithic and avoids long, uninterrupted walls of building in the form of slab blocks with materials / building fabric well considered.</p> | <ul style="list-style-type: none"> • The proposed development consists of six separate blocks and which are staggered having regard to the established character of the area. • The design includes careful articulation of fenestration and detailing that ensure that the massing of the blocks is suitably broken up to ensure that it is not monolithic. |
| <p>The proposal enhances the urban design context for public spaces and key thoroughfares and inland waterway/ marine frontage, thereby enabling additional height in development form to be favourably considered in terms of enhancing a sense of scale and enclosure while being in line with the requirements of “The Planning System and Flood Risk Management – Guidelines for Planning Authorities” (2009).</p> | <ul style="list-style-type: none"> • The design provides for a suitable residential development in this area featuring a mix of two/three-storey houses and three and six storey apartment blocks. Suitable open space is provided on site and which is proposed to be accessible to public use. • The ‘Planning System and Flood Risk Management – Guidelines for Planning Authorities’ (2009) are complied with, and a Site-Specific Flood Risk Assessment has been submitted. |
| <p>The proposal makes a positive contribution to the improvement of</p> | <ul style="list-style-type: none"> • Improved legibility is provided in the form of strong elevations within the site. |

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| legibility through the site or wider urban area within which the development is situated and integrates in a cohesive manner. | The development provides a setback and minimal impact on roadside boundaries taking account of Z12 zoning, requirements for public open space and existing trees. |
| The proposal positively contributes to the mix of uses and/ or building/ dwelling typologies available in the neighbourhood. | <ul style="list-style-type: none"> The proposed development will provide for a mix of studio, one, two and three-bedroom apartment units. The area is characterised mainly by houses that are generally family sized units and therefore the development will increase the mix of housing types in the area. |
| At the scale of the site/ building | |
| Criteria | Response |
| The form, massing and height of proposed developments should be carefully modulated so as to maximise access to natural daylight, ventilation and views and minimise overshadowing and loss of light. | <ul style="list-style-type: none"> The development is in the form of 7 no. apartment blocks, and which incorporates staggered heights, where the blocks interact with existing residential units. This allows for good access to natural light and reduces the potential for overshadowing from the proposed development. |
| Appropriate and reasonable regard should be taken of quantitative performance approaches to daylight provision outlined in guides like the Building Research Establishment's 'Site Layout Planning for Daylight and Sunlight' (2nd edition) or BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'. | <ul style="list-style-type: none"> The applicant has submitted a Daylight and Sunlight report. <p>I am satisfied that adequate details have been provided to demonstrate that the development will provide for good levels of daylight and sunlight to the proposed apartments and that the impact on adjoining/ existing properties will be at an acceptable level.</p> |

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| <p>Where a proposal may not be able to fully meet all the requirements of the daylight provisions above, this has been clearly identified and a rationale for any alternative, compensatory design solutions has been set out, in respect of which the Board has applied its discretion, having regard to local factors including specific site constraints and the balancing of that assessment against the desirability of achieving wider planning objectives. Such objectives might include securing comprehensive urban regeneration and or an effective urban design and streetscape solution.</p> | <ul style="list-style-type: none"> • As above. |
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Specific Assessment

| Criteria | Response |
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| <p>To support proposals at some or all of these scales, specific assessments may be required and these may include: Specific impact assessment of the micro-climatic effects such as downdraft. Such assessments shall include measures to avoid/ mitigate such micro-climatic effects and, where appropriate, shall include an assessment of the cumulative micro-climatic effects where taller buildings are clustered.</p> | <ul style="list-style-type: none"> • Daylight and Sunlight Report has been submitted and demonstrates compliance with standards, as applicable. • A Pedestrian Comfort Study has been submitted with no adverse impact identified. |

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| <p>In development locations in proximity to sensitive bird and / or bat areas, proposed developments need to consider the potential interaction of the building location, building materials and artificial lighting to impact flight lines and / or collision.</p> | <ul style="list-style-type: none"> • A Biodiversity Enhancement Plan (BEP) and an Appropriate Assessment (AA) Screening Report have been submitted in support of the application. They fully consider the impact of the development on birds (BEP and AA) and bats (BEP). • In summary, no bat roosts or significant foraging was found on site during the surveys necessary for the preparation of the applicant's reports. <p>I am satisfied that adequate details have been provided to demonstrate that the development will not significantly impact on birds and bats.</p> |
| <p>An assessment that the proposal allows for the retention of important telecommunication channels, such as microwave links.</p> | <ul style="list-style-type: none"> • A telecommunications Impact Assessment Report was submitted with no issues identified. |
| <p>An assessment that the proposal maintains safe air navigation.</p> | <ul style="list-style-type: none"> • The application site is not in the vicinity of any protected aviation zones and no submission was received from the IAA. |
| <p>An urban design statement including, as appropriate, impact on the historic built environment.</p> | <ul style="list-style-type: none"> • A Masterplan and Architecture Design Statement which demonstrates how the development will integrate into its surroundings. |
| <p>Relevant environmental assessment requirements, including SEA, EIA, AA and Ecological Impact Assessment, as appropriate.</p> | <ul style="list-style-type: none"> • SEA and EIA not required/ applicable due to the scale of the development. • An Environmental Impact Assessment Report, a Biodiversity Enhancement Plan and an AA screening report are submitted with the application. |

9.5.5 In relation to the Performance Criteria in Assessing Proposals for Enhanced Height, Density and Scale are under Table 3 of Appendix 2

| Performance Criteria in Assessing Proposals for Enhanced Height, Density and Scale | |
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| Criteria | Response |
| To promote development with a sense of place and character. | Internally the scheme provides an adequate sense of place and character and purposely avoids impact along the road side boundary due to public open space requirements and the existing biodiversity restrictions. |
| To provide appropriate legibility. | As above. |
| To provide appropriate continuity and enclosure of streets and spaces. | As above. |
| To provide well connected, high quality and active public and communal spaces. | The proposal provides a significant level of public open space that is of high quality and accessible to future residents of the scheme and the general public with adequate connectivity to adjoining public areas. |
| To provide high quality, attractive and useable private spaces. | The level of provision of both communal and private open space is consistent with the standards set down under national policy guidance (Apartment Guidelines). |

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| To promote mix of use and diversity of activities. | The proposal provides for an appropriate mix of uses consistent with the Z12 zoning objective including residential, childcare, community and cultural uses. |
| To ensure high quality and environmentally sustainable buildings. | The proposal is for A-rated energy efficient structures in an area where the site is accessible by other modes other than private vehicle. |
| To secure sustainable density, intensity at locations of high accessibility. | The proposal provides for an increased density at a location highly accessible to the surrounding area and well served by high quality and frequent public transport services. |
| To protect historic environments from insensitive development. | The proposal has adequate regard to the location of the site adjoining a residential Conservation Area, surrounding proceed structures and an ACA in the area and existing structure on site with refurbishment and reuse of existing structures. |
| To ensure appropriate management and maintenance. | The development will be managed residential development. |

9.5.6 Conclusion: Overall, I am satisfied that the proposed development would make a positive contribution to the area and would respond well to the natural and built environment in visual terms. At the scale of the neighbourhood there would be capacity to absorb buildings at the height proposed. I am also satisfied that the scale of the site and the layout of development, would readily allow for development at the heights proposed. The zoning and characteristics of the site have dictated that no

development is provided along the road frontage of the site with proposal to provide for significant levels of public open space and retain existing trees. This approach means the development is setback significantly from the roadside boundaries and the height of structures is suitably modulated. The building heights proposed would be in accordance with national policy and guidance to support compact consolidated growth within the footprint of existing urban areas, and would satisfy the criteria set down under Section 3.2 of the Urban Development and Building Heights guidelines and the criteria set out under Dublin City Development Plan (Performance Criteria in Assessing Proposals for Enhanced Height, Density and Scale are under Table 3 of Appendix 2).

9.6 Visual Impact

- 9.6.1 The application is accompanied by a set of verified views from 22 viewpoints in the intervening area and wider vicinity of the site. A Landscape and Visual Impact Assessment was also submitted and is part of the EIAR. The tallest structure on site is the 10-storey element of Block A1, which has a ridge height of 31.575m. All other portions of the development are below this threshold level in ridge height with the average height being five-storeys throughout the site. The nature of the design and layout is that the development avoids development along the roadside boundaries and entails the creation of no urban streetscape or urban edge to ensure provision of public open space and retention of existing wooded areas along the northern and eastern boundaries, which means a reduced visual impact at street level in the surrounding area.
- 9.6.2 The appeal submission raise concerns regarding the visual impact of the proposal from adjoining properties backing onto the site and in intervening area. The proposed development will have a significant visual impact in the surrounding area as the proposal includes a number of structures that are above five-storeys in height. The area are is characterised by a mix of two and three-storey dwellings, but does have some structures that are up to six-storeys in height.
- 9.6.3 In relation to visual impact from surrounding properties the dwellings backing onto the western boundary will have a changed outlook due to loss of existing trees and

vegetation along the boundary of the site and the provision of three-storey development backing onto this boundary. I would consider that the design and scale of the proposal has regard to the visual amenities of the existing dwellings in that it has a reduced scale where it adjoins such and that the visual impact from these properties although changed would not be unacceptable in the context of an existing built up area. In relation to the dwellings at Norwood Pak backing onto the northern and western boundary, the scale of development adjoining these boundaries is higher (Block C), however the level of separation proposed is increased and the retention of existing trees and vegetation with additional planting provides a significant visual buffer for these properties. I would be of the view that the overall visual impact from the dwellings immediately adjoining the western and northern boundaries is satisfactory.

9.6.4 In regards to visual impact from the public roads adjoining the site (Sandford Road and Milltown Road) and existing development on the opposite side of the such the overall visual impact is mitigated by the characteristics of the site and the layout of the proposal with the retention of a significant level of open space along the eastern and northern parts of the site. This taken in conjunction with existing robust boundary treatment along the public road (existing stone walls and new section of walls and railings) and trees and vegetation mean that views of the site and proposed development are partial views with structures setback from the roadside boundaries. As stated above the development is setback from the roadside boundaries and avoids the provision of any new streetscape or urban edge along these boundaries. In relation visual impact from residential conservation areas adjoining the site, the development when viewed from street level in these locations (Cherryfield Avenue Upper and Lower) is obscured by existing dwellings/intervening structures. In relation to views from the Belmont Avenue ACA to the east, view of the site from this area would not be significant, would be obscured by existing structures and the slender vista of the site due to the orientation of the Belmont Avenue perpendicular to the eastern Boundary/Sandford Road.

9.6.5 In relation to the wider visual impact of the proposal the verified views show that the most visible aspect of the proposal will be the 10-storey element of Block A1 with

other elements of up to seven and eight-storeys with the highest prevailing height of structures in the vicinity being six-storeys. These elements do not have significant footprint with the blocks modulated height, the level of setback and the intervening structures and vegetation screening the visual impact of the majority of the proposed blocks. Notwithstanding the partial visibility of the ten-storey element, views of such are partial views and would not be a significantly adverse visual impact when viewed in the wider urban landscape.

9.6.6 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. 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.

9.6.7 As outlined in the previous section in relation building height I have reviewed the scheme against the criteria set out in Table 3: *Performance Criteria in Assessing Proposals for Enhanced Height, Density and Scale* 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 the roadside and 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.

9.6.8 Conclusion: I am satisfied that the overall visual impact of the development although entailing significant change in scale from existing development on site and the surrounding area can adequately be absorbed at this location and would be acceptable in the context of the visual amenities of the area.

9.7 Urban Design:

9.7.1 The appeal submissions criticise the design and layout and claim it is deficient in the context of the criteria for Urban Design under the Urban Design Manual. The

application was accompanied by an Architectural Design Statement, which includes an assessment of the development against the 12 criteria set out under the Urban Design Manual. The Planning Authority's assessment was the proposed development is of sufficient quality in terms of overall urban design.

9.7.2 In my view the proposed development is of a reasonable standard in terms of overall urban design and stands up to scrutiny in the context of 12 no. criteria under the Urban Design Manual. The proposal exhibits variation in terms of its design including height, setbacks and external finishes, provides good quality in terms of the public realm with the provision of high level of public open space, hard and soft landscaping, adequate connectivity through the site and adjoining areas with future connectivity to adjoining sites possible. The level of public and communal open space is consistent with the required standard and is in excess (public open space) of the general standard due to particular requirements of the Z12 zoning (refer to Section 9.8.4 below).

9.7.3 Conclusion: I would be of the view that the proposed provides an acceptable standard of urban design and fulfils the 12 criteria set down under the Urban Design Manual.

9.8 Residential Amenity – Future Occupants

9.8.1 Quality of Units – Floor Area: A 'Housing Quality Assessment' as part of the Architectural Design Statement (Appendix C) has been submitted with the application and demonstrates that all units meet the standards set down out under Sustainable Urban Design Standards for New Apartments (Department of the Environment, Heritage and Local Government).

9.8.2 In case of apartment units, all units exceed the minimum required floor areas, with 353 units (56%) providing for over 110% of the required minimum floor area. The proposed apartments are compliant with SPPR 3 of the 'Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities'. The

level of provision of two-bed (three person) units (60) is 9% of the entire development and compliant with the guidelines.

9.8.3 In the case of the apartment units 52% (329) are dual aspect units and in compliance with SPPR 4 of the apartment guidelines for development in suburban or intermediate location (50% requirement). The proposed floor to ceiling heights are in accordance with SPPR 5 of the 'Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities'. The provision of units per core is compliant with SPPR 6 (maximum of 12 units per core) of the 'Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities'. In the case of Block F identified by appellants as deficient there is a provision of 17 units per floor with 1 lift and 2 stair cores.

9.8.4 Amenity Space: All apartment units are provided with adequate private amenity space in the form of balconies for the upper floor units/ terraced areas for the ground floor units meeting the areas specified under the guidelines (4sqm for studio, 5sqm for one bed, 6sqm for two bed (three person), 7sqm per two bed (four person) and 9sqm per three bed unit). Access is from the living room/shared kitchen-living room area for all units. All balconies have at least 1.5 m depth.

9.8.5 Public open space provision is in the form of three areas at ground floor level. The main area is located to the east of the site with further areas located along the northern boundary and an area located on north south axis between Block A and B. The public open space has a total area of 14,809sqm and is 34.8% of the site area. The level of public open space is consistent with the Development Plan requirement for the provision of 25% of the site area as public open space within the Z12 zoning.

9.8.6 Communal space of 5,875sqm is provided in the form of ground level space including a courtyard area between Block B and C, to the south of Block D, south of Block E, south of Tabor House and Chapel and to the north south, east and west of Block F. The recommended standards for communal open space serving apartment units is contained under Appendix 1 of the Sustainable Urban Housing: Design

Standards for New Apartments (2022) and the Development refers to these standards as the requirement. Based on the number of apartment units the target level of communal open space is 3,756 sqm. The level of communal open space provided is well in excess of the recommended standard. I am satisfied that there is a clearly defined separation between communal and public open space on site and that the public open space area provided on site is not compromised. In the case of Block A communal open space is provided above ground level in the form of roof terraces. This Block has access to both defined communal open space and to the high level of public open space provided to the east of the site and between it and Block B.

9.8.7 Daylight and Sunlight: Daylight and Sunlight: A 'Daylight and Sunlight Analysis Report' has been submitted in support of the application. This assessment has been prepared based on best practice guidance set out in the following documents:

- Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice' BRE, 2022 (BR209).
- BS8206 Part 2:2008, Lighting for Buildings, Code of Practice for Daylighting.
- EN 17037:2018: Daylight in Buildings (2018)- European Standard
- I.S. EN 17037:2018 Daylight in Buildings (2018)- Irish Standard
- BS EN 17037:2018: Daylight in Buildings (2018)- British Standard

The submitted assessment undertook a number of tests and in relation to daylight and sunlight provision within the proposed development.

9.8.8 Site Sunlight and Shading: An assessment of sunlight (Sun on the ground) within both the proposed public and communal open space areas in the context of the BRE guidelines requirement for a minimum of 50% the amenity space shall receive two or more hours of sunlight on the 21st of March was carried out. The public open space areas located to the east, north and between Block A and B meet the required standard. All communal open space at ground floor level apart from a small area to the north of Block B and C (labelled Belvedere Garden) meet the required standard.

9.8.9 Daylight Analysis: The Sunlight and Daylight Analysis report assesses the proposed units (apartments) in terms of Sunlight Exposure (SE) and Spatial Daylight Autonomy (SDA) based on the BRE Guidelines (2022). For SE the results of the 636 units assessed (with trees as opaque objects), 443 (466 without trees considered) meet the target values whereas 193 (170 without trees considered) do not. For Spatial Daylight Autonomy (SDA) 1,548 habitable rooms (living, kitchen and bedroom) were assessed with the results indicating that 1469 meet the target value with 79 below the target value with no trees taken in to account (1423 and 125 with trees in winter state and 1383 and 165 with trees in summer state). A supplementary assessment of SDA based on the I.S. EN 17037 criterion (1,548 rooms assessed) indicates that 941 rooms meet the target value with 607 not meeting such. A No Sky Line assessment (1,548 rooms assessed) carried out indicates that 1191 rooms meet the target value with 357 not meeting such.

9.8.10 For units not meet BRE target values a number of compensatory design measures are specified in the report and include increased floor areas, increased private amenity space and orientation towards public open space areas. With the full list and apartment units identified under section 5.2.3 of the Daylight and Sunlight report. 134 units are identified with a range of measures proposed including the units being oversized by 10% beyond the requirement under the Apartment Guidelines, oversized terraces, and reduced depth in some case to aid light penetration, view of open space areas including the public park, green boulevard, plaza area, communal gardens and home zones. I am satisfied that these measures are sufficient to compensate in the case of rooms that do not meet the target values.

9.8.11 The level of compliance with target values is high within the scheme, in the case of For Sunlight Exposure/SE is 70% (without trees) and 73% (with trees). For spatial Daylight Autonomy (SDA) the rate of compliance with target values is 89% with summer trees and 92% in a winter state. The rate is 61% compliance for SDA based on I.S. EN 17037. Both the Building Height Guidelines (Section 3.2) and Apartment Guidelines 6.7 acknowledge that full compliance with daylight provisions may not be available having regard to site constraints and the context of achieving comprehensive development and that there should be clear identification of

deficiencies and measures to deal with or compensate for such. I would consider that there is a sufficient high degree of compliance with target values in this case and a reasonable technical basis for reaching this conclusion. I am satisfied that the nature of achieving comprehensive urban development means that there will be some level of non-compliance with target values and such have been clearly identified and appropriate compensatory measures applied.

9.8.12 Single-aspect unit: In relation criticism of the level of single-aspect north facing units, there are 48 north facing single-aspect units (Block A1, A2 and F), which is 7.5% of the entire development. I would consider that this is a low level in the context of the entire development and that such is unavoidable within a comprehensive urban development such as this. I would reiterate that the ratio of dual aspect units is compliant with SPPR 4 of the Apartment Guidelines.

9.8.13 Bedroom units facing gantry: There is some criticism of a number of bedrooms that are facing onto gantry walkway within Block C. The provision of the layout was to ensure that balcony spaces could be provided off the living area of some the units in Block. The applicant has proposed a number of measures to prevent reduced residential amenity including recessing the windows and provision of a planter box with landscaping to provide a buffer. I would consider that the measure proposed are adequate to deal with any concerns regarding impact on the residential amenity of the future occupants of these units.

9.8.14 Alterations in response to DCC Opinion: The applicant have amended the proposal to have regard to issues raised by the DCC in their opinion in terms of future residential amenities. These include clarification that storage levels within units is sufficient in the context of the Apartment Guidelines, alterations to Block B and F to increase separation/reduce massing opposite windows with improved daylight/sunlight levels and detailing compensatory measures in regards to single-aspect north facing units, relocation of bicycle parking further away from Block F.

9.8.15 Conclusion: The proposed development provides a design and layout that provides units of an appropriate size, layout, orientation, sufficient levels of daylight and sunlight to the proposed residential units, and associated public and communal open space areas of sufficient scale, layout and quality. The proposed development will result in an acceptable level of residential amenity for future occupants of this development.

9.9 Residential Amenity - Adjoining Amenities:

9.9.1 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 Z2 neighbouring property zoning. The site is bounded by existing two-storey dwellings with no.s 1-20 Cherryfield Avenue Upper and no.s 28-35 Cherryfield Avenue Lower backing onto the western boundary, no.s 1-10 Norwood Park backing onto the northern and western boundary, no. 11 Norwood Park presenting its side elevation to the northern boundary and no. 101 Sandford Road adjoining the western boundary.

9.9.2 Impact to Residential Properties on Cherryfield Avenue Upper and Lower: The existing dwellings backing onto the site are two-storeys. The development proposed adjoining this boundary include the provision of Block E consisting of three-storey duplex apartments with a ridge height of 10.558m and Block D, which is 3-5 storeys in height with a ridge height of 10.832m at its nearest point to the adjoining dwellings. The level of separation between the rear elevation of Block E and the rear elevations of the existing dwellings varies. The depth of rear gardens proposed for the units in Block E varies between 5 and 9m, the depth of rear gardens at Cherryfield averaging 6 or 7m when the two storey rear returns are taken into account. These rear garden depths result in first floor and above back-to-back separation distances of around 16m at the closest point and on average 18-20 metres elsewhere along the length of Block E. In the immediate area I would note that the separation distances between the first-floor rear windows of Hollybank Avenue Lower and Cherryfield Avenue Upper/Lower range from 11m at the northern end, up to 21 metres at the southern end. The terraced houses at Hollybank and

Cherryfield are historic properties and have an established pattern of development with separation distances much closer than the subject proposal. The western elevation of Block E has been designed to eliminate overlooking, by virtue of a second floor pop out window with views deflected away from the rear dwellings along Cherryfield Avenue and a high level window serving the living/kitchen/dining room avoiding the potential overlooking. I am satisfied that there will be no significant loss of privacy to the residents of Cherryfield Avenue from Block E and that the scale of development and level of separation as proposed is adequate in the case of a built up urban area such as this.

9.9.3 In the case of Block D located to the east of dwellings in Cherryfield Avenue Upper, the block steps down to three-storeys and has separation distance of 25m from the existing properties to the west. The design of Block D has regard to adjoining amenities with the provision of no balconies on the western elevation (located on the northern and southern elevation).

9.9.4 I am satisfied that the design and layout of Block E and D have adequate regard to the amenities of adjoining properties to the west along Cherryfield Avenue Upper and Lower and will not result in any significant overlooking or overbearing impacts. Access to daylight/sunlight is addressed later in this section.

9.9.5 Impact to Residential Properties on Norwood Park: The dwellings in Norwood Park back onto the northern and western boundaries of the site. Development proposed adjoining the northern boundary include the northern gable of Block E (three-storeys), the northern portion of Block C (part two, five, six and eight storeys). Block A1 (part five and ten-storeys) is located to the east of the dwellings backing onto the western site boundary. The level of separation between the rear of dwellings in Norwood Park and Block C range from 32.5m upwards. In the case of Block A1 separation distance is 43.5m between the five-storey portion of the block and the rear of existing dwellings backing onto the western boundary in Norwood Park. Block A1 is setback from the northern boundary/Milltown Road boundary with open space and surface level parking provided in this portion of the site.

9.9.6 I am satisfied that there is an adequate degree of separation between Blocks C and A1 from adjoining residential development to the north and west to the degree that the proposal would not result in any significant overlooking and overbearing impacts to the residential properties to the west and north. As currently stands the area on site to the rear of Norwood Park is a wooded area with mature trees with the intention to retain these areas as such, provide additional planting and management of such. This fact taken in conjunction with the level of separation will ensure no adverse impact on the residential amenities of the existing properties. Access to daylight/sunlight is addressed later in this section of the report.

9.9.7 Impact on other residential property in the vicinity: There are residential properties in the vicinity that do not immediately adjoin the boundaries of the site and such include existing three storey dwellings to north on the opposite side of Milltown Road (no. 132-138), a three-storey apartment block to the east (Mount Sandford), a six-storey apartment block to the east (Rowan/Cedar Hall in Millbrook Court) and a six-storey apartment block to the south east (Grove House), all on the opposite side of Sandford Road. In the case of all of these existing properties, the layout of development on site is such that all blocks are setback from the roadside boundaries due to the proposal to retain such areas as public open space and to retain existing trees in these areas with augmented landscaping. The level of separation between the proposed blocks and these existing properties is sufficient (50m upwards) to prevent any adverse impact on the residential amenities of these properties through overlooking. The existing properties are buffered by the existing public roads defining the northern and eastern boundaries existing boundary treatment and planting on site and on adjoining sites to the north, east and south east.

9.9.8 Daylight/Sunlight: The issue of impact on daylight and sunlight to adjoining properties is raised in the appeal submission with concerns over unacceptable loss of daylight and sunlight access to existing residential development in the vicinity of the site. The application was accompanied by a Daylight & Sunlight Report. The following properties were assessed...

Daylight/Vertical Sky Component (BRE Guidelines 2022).

Rowan Hall/Cedar Hall (Millbrook Court)

Mount Sandford

1 St. James Terrace

Loyola House, 87 Eglinton Road

132-138 Sandford Road

1-11 Norwood Park

28-35 Cherryfield Avenue Lowe

1-20 Cherryfield Avenue Upper

Jesuit Building, Milltown Park

Approved Archive Storage and Office Building

Sunlight/Annual Probable Sunlight Hours/Winter Probable Sunlight Hours

Loyola House, 87 Eglinton Road

132-138 Sandford Road

1-11 Norwood Park

28-35 Cherryfield Avenue Lowe

1-20 Cherryfield Avenue Upper

Jesuit Building, Milltown Park

Sun on the Ground

1-11 Norwood Park

28-35 Cherryfield Avenue Lower

1-20 Cherryfield Avenue Upper

9.9.9 Daylight: The assessment is of 362 windows for VSC with the target value 27% and not less than 0.8% reduction in daylight. The effect on 326 windows is negligible with target of 27% met or the level of reduction less than 0.8%, 32 are classified as

minor adverse, 4 major adverse with a 90% compliance rate. The windows classified minor/major adverse include windows on the western elevation of Rowan/Cedar Hall(14, 10 minor adverse, 4 major adverse), the rear elevation of dwellings in Norwood Park (5 minor adverse) and the rear elevation Cherryfield Avenue Lower and Upper (17 windows minor adverse). In the case of Rowan/Cedar Hall the recessed nature of the balconies is significant factor in daylight performance for the windows in question. In the case of the windows in Norwood Park the window are marginally below the 0.8% reduction level. In the case of Cherryfield Avenue it is noted that the majority of windows the level of change is not significant below the 0.8% reduction (above 0.70). In the case of the two windows below the 0.70 reduction such are large windows on a newer extensions closer to the rear boundary with the size of the windows taken into account in term of daylight levels.

9.9.10 I am of the view that the level of detail submitted by the applicant is sufficient and a reasonable technical basis to assess impact of the development on daylight levels to adjoining properties. I am satisfied that the proposed development does not have disproportionate impact on daylight levels to any single adjoining property and all windows serving such with overall levels of compliance with BRE target high.

9.9.11 Sunlight: The assessment is for 221 windows for Annual Probable Sunlight Hours (APSH) with only windows that have an orientation within 90 degrees of due south assessed with the effect on 209 classified as negligible, 7 minor adverse and 5 major adverse. For Winter Probable Sunlight Hours (WPSH) the same 221 were assessed with the effect on 200 classified as negligible, 2 minor adverse and 8 major adverse and 11 non-applicable (extremely low value with the development having no effect on such). There is c.95% compliance for both APSH and WPSH (WPSH figure excludes 11 windows classified as non-applicable). The assessment indicates that the cases where windows are below targets are as a result of being recessed or impacted by the projecting rear returns or extension in particular during the winter.

9.9.12 I am of the view that the level of detail submitted by the applicant is sufficient and a reasonable technical basis to assess impact of the development on sunlight levels to

adjoining properties. I am satisfied that the proposed development does not have disproportionate impact on sunlight levels to any single adjoining property and all windows serving such with overall levels of compliance with BRE target high.

9.9.13 Sun on the Ground: The assessment relates to 39 gardens serving the dwellings along the western and northern boundaries of the site (Cherryfield Avenue Lower/Upper and Norwood Park). All rear gardens serving dwelling Norwood Park achieve the target value for SOG (50% of area receiving 2 hours of sunlight on 21st March). 32 of the gardens assessed are classified as being negligible in terms of effect on SOG either meeting the target value or the level of reduction being less than 20% former value. 3 are classified as minor adverse (just above the 20% their former value), 2 are major adverse below the 50% value pre-development and reduced more than 20% their former value, and 2 classified as non applicable due to extremely low SOG values (in these case the development causes no change in their value). I am satisfied that the proposed development does not have disproportionate impact on sun on the ground to any adjoining property and the overall levels of compliance with BRE targets is high.

9.9.14 I am of the view that level of impact on SOG in the majority of cases is not significant. In the case properties that are below target values existing constraints play a part including extension and projections to the rear of the properties along Cherryfield Avenue. As noted above the proposed pattern of development, which includes three-storey flat roof duplex block backing onto the existing properties is not out of character in terms of pattern of development and separation distances at this urban location.

9.9.15 Overshadowing: The Daylight and Sunlight report includes a shadow study showing baseline and post development scenario for three dates at various times of the day (21st March, 2st June and 21st of December). I am satisfied that the level of overshadowing impact from the proposed development will not be disproportionate in relation to adjoining development during March and June with impact in December negligible. The proposed development has adequate regard to overshadowing impact with development along the western side confined to three-

storeys and adequate levels of separation provided between the proposed structures and existing development to north, west and east.

9.8.16 Conclusion: I am satisfied that the overall design and scale would have adequate regard to the amenities of adjoining properties and would be acceptable in the context of daylight and sunlight/overshadowing, impact in terms of overlooking and its general physical relationship to existing residential development in the area. The proposal provides an appropriate balance between providing a development that is an efficient use of zoned, serviced accessible lands and protecting adjoining residential amenity.

9.10 **Traffic and transportation:**

9.10.1 The appeal submission raises concerns regarding the fact that there is existing traffic congestion in the area and that the proposal will exacerbate such. The appeal submission also raise concerns about the density of the development, the insufficient levels of parking and the potential impact on existing on-street car parking in the area.

9.10.2 The proposed development is located at the junction of Sandford Road and Milltown Road. The site has an existing vehicular entrance off Sanford Road along the northern boundary of the site (opposite junction with Belmont Road). The existing entrance off Sandford Road is to be retained and will provide vehicular access for a limited portion of the development (visitor parking, set down, taxi, emergency/service vehicles and dedicated parking delivery). A new main vehicular access that will provide access to the majority of the development is to be provided off Milltown Road adjacent Tabor House. In terms of accessibility there are a number of bus routes operating along Sandford Road (11, 44, 61) and Milltown Road (44, 61). The site is within walking distance of the Cowper and Milltown Luas stops (15 minutes) on the green line, which are both 1.2km away (based on walking route to each). The site is also in walking and cycling distance to the urban centres of Rathmines (30 minutes), Ranelagh (21 minutes) and Donnybrook (15 minutes). I would consider that the location is an accessible location in the context that future

occupants would not be dependent on a car to access local services, employment uses and the city centre.

9.10.3 Traffic Assessment: The application was accompanied by a Traffic and Transport Assessment (TTA) prepared by DBFL Consulting Engineers. The TTA includes and analysis of local network capacity with traffic surveys carried out at three junctions to establish the existing traffic situation. These junctions are as follows...

- • Junction 1 – Northern Site Access / R117 Sandford Road / Belmont Avenue.
- • Junction 2 – R117 Sandford Road / R825 St. James's Terrace / R117 Milltown Road / R824 Eglinton Road.
- • Junction 3 – Southern Site Access / R117 Milltown Road / Mount Sandford.

9.10.4 The assessment includes a modelling of trip generation for the uses proposed (apartments, childcare and community/cultural), account taken of traffic national traffic growth and a number of committed developments in the area (outlined under section 5.4 of the TTA and illustrated in Figure 5.2). The assessment of junctions is based on an opening year of 2026 and design years of 2031 and 2041. The TTA outlines that the impact of a proposed development upon the local road network is considered material when the level of traffic it generates surpasses 10% and 5% on normal and congested networks respectively. When such levels of impact are generated, a more detailed assessment should be undertaken to ascertain the specific impact upon the network's operational performance. This is based on the thresholds are reproduced in the TII document entitled Traffic and Transport Assessment Guidelines (2014). The results of junction assessment show that both junction no.s 1 and 2 do not exceed the 10% threshold for the AM and PM peak traffic hours for the opening year and subsequent design years with Junction no. 3 exceeding the 10% impact threshold for the opening year and subsequent design years. In this case and as required under TII guidelines, a junction performance analysis has been conducted as required by the guidance document.

9.10.5 As per the TII guidelines as junction no. 3 exceeds the 10% threshold a junction performance analysis is required and carried out in Section 6 of the TTA. The junction analysis was carried out using PICADY software. The results of this assessment is that that junction will operate within capacity for the for the opening year and subsequent design years.

9.10.6 The traffic assessment concludes that the overall impact of the proposed development on the local network will be satisfactory. I am satisfied that the TTA takes a reasonable approach to assessing the traffic impact of the proposed development on the local network. This assessment is worst case scenario approach taking into account the cumulative impact of other permitted developments in the area, application of a traffic growth factor in the modelling approach to assessing future impact of the proposal. The appeal site is also located in a location accessible to public transport infrastructure and in walking distance of a wide array of employment, social/community services, retail development and local services concentrated in Rathmines, Ranelagh and Donnybrook as well as accessibility to public transport that provides access to the city centre and outskirts (Bus and Luas).

9.10.7 Construction Traffic: In relation construction traffic it is indicated that such will subject to a Construction Management Traffic Plan (CMTP) to be agreed with the Council and that an Outline CMPT is provided. This includes projected traffic generation during peak hours, estimation of level of excavation and material to be remove off site and projected traffic generation associated with such. There will be provision of on site car parking to cater for construction traffic and a construction compound. The development is to be subject to 4 phases with an anticipated construction period of 35 months. Construction access is confirm to be mainly through the new access off Milltown Road with the Sandford Road access being used as a secondary construction access. The impact of construction traffic does have the potential to be disruptive, however I am satisfied that subject to appropriate construction management measures and the temporary nature of such that the impacts of such will not be disproportionate or adverse at this location.

9.10.8 Car Parking: Development Plan parking standards are set out Appendix 5 Table 2 and are set out above under the planning policy section. The site is within zone 2 with the maximum requirement for the residential component being 636 spaces. The development features a childcare facility and community and cultural uses with the maximum requirement for such being 4 and 8 spaces respectively based on the standards under Table 2. The parking allocation provided on site is outlined in the Parking Management Strategy Document submitted with application. 337 no. car parking spaces are provided in total on site, which is a ratio of 0.51 per unit with the breakdown of spaces outlined in Table 3.1 of the document submitted and is as follows...

Residential (636 units): 315 spaces (32 surface level and 283 basement).

Childcare (380sqm): 3 surface level spaces.

Community Cultural (2,189sqm): 3 surface level spaces.

Car Share: 10 spaces (5 GoCar and 5 Development Car Share, split evenly between surface level and basement).

Collection Drop Off: 4 spaces.

Taxi: 2 Spaces.

Motorcycle: 18 spaces (basement).

The majority of spaces are accessed from the primary vehicular access off Milltown Road (288 spaces within basement cark under Block A1, 8 no. surface car parking spaces adjoining Tabor House and 34 no. spaces adjoining Block E). The spaces accessed from Sandford Road include 3 no. mobility impaired spaces, 2 no. taxi spaces and 2 no. set down/collection spaces in addition to a designated parking area for delivery vehicles.

9.10.9 The parking standards are maximum standards with the CDP stating 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 demonstration a reduced parking level is justified based on a number of criteria (outlined above under planning policy section). I am satisfied that the site is highly accessible for

other modes of transport including public transport, cycling and pedestrians and to local services including employment uses. The applicant has submitted a Mobility Management Plan outlining how the development is accessible for alternative modes of transport other than private car. In my view the development and its location meet the criteria set down under the Development Plan for a reduced rate of parking. The site is well serviced by high frequency public transport, the site/development is well connected to existing pedestrian routes, the site is in walking distances of local services/urban centres and employment uses and there is provision of shared mobility options (10 no. car share spaces). I would consider that the level of parking proposed is of an acceptable level to cater for the demand likely to be generated.

9.10.10 The appeal submission raise concerns regarding overspill of parking into adjoining residential areas. Having inspected the intervening area it is notable that there is no on-street parking options along Milltown and Sandford Road and that residential areas within the surrounding area are subject to pay and display/permit parking (Norwood Park and Cherryfield Avenue Lower) or are managed developments, which are parking control measures that would prevent the overspill of parking from the proposed development into the surrounding area. In this regard I do not consider that overspill of parking is likely and that the future residents of the development will be aware of the parking provision arrangements associated with the development when buying into or choosing to live in the scheme.

9.10.11 Bicycle Parking: The proposal entails the provision of 1,391 bicycle car parking spaces, which can be broken down as follows...

Residential (636 units): 1,034 Long Stay (5 cargo bike spaces) and 318 Short Stay

Childcare (380sqm): 3 Long Stay and 8 Short Stay

Community Cultural (2,189sqm): 1 Long Stay and 22 Short Stay.

The Development Plan Standard outlined under Table 1, Appendix 5 is 1,366 with the development meeting the individual standards in the case of all components

apart from the provision of in excess of the required level of long stay residents' spaces. The provision of cycle parking is in full compliance with the minimum standards set out under Table 1, Appendix 5 of the CDP. The bicycle parking provision also includes parking for cargo bikes in response to the DCC opinion.

9.10.12 Connectivity/Layout: The site has road frontage along Milltown Park to the east and Sandford Road to the west. Pedestrian and cycling access is provided in conjunction with the two vehicular entrances on either road frontage (clear separation provided) and there is an additional pedestrian entrance to the east of the site off Milltown Road. The pedestrian access link into existing pedestrian facilities along both Milltown Road and Sandford Road. In terms of cycling infrastructure there are no cycle paths along Milltown Road however the development does have direct access to existing dedicated cycle paths along Sandford Road and there is a good level of connectivity through the site for pedestrians and cyclists without any conflict with traffic movements with no through access between the vehicular access points serving the development.

9.10.13 The applicant has submitted DMURS Design Statement setting out how the development complies with the recommendations of Design Manual for Urban Roads and Streets. I am satisfied that the overall design and layout successfully implements the recommendations of such. I am satisfied that the proposal does not conflict with the provision of the Sandford Clonsekagh to Charlemont Street Pedestrian and Cyclist Improvement Scheme.

9.10.14 Conclusion: The proposed development is satisfactory in the context of its overall traffic impact at this location. Sufficient car and bicycle parking is provided with the level of car parking satisfactory in the context of the location of the site at an accessible location in terms of public transport and local employment and services with regard had to need to shift the emphasis to use of alternative modes of transportation and reduce dependency on vehicular traffic in accordance with national, regional and local planning policy. The proposed development would provide an improved level of connectivity with satisfactory connectivity to existing pedestrian footpaths and cycle paths in the area.

9.11 Education/Childcare Demand:

9.11.1 The proposal is for 636 no. apartment units with the provision of a childcare facility with a floor area of 380sqm and an estimated capacity for 76 children. The appeal submissions have raised concerns regarding the level of childcare provision as well as concerns regarding availability of educational facilities within the area and a lack of assessment of school capacity. Additionally the appeal submission raise the issue that the site is suitable location for a school and should be retained for this purposes.

9.11.2 Development Plan policy is the provision of an appropriately sized childcare facility. National Guidance including the Childcare Guidelines, the Apartment Guidelines and Sustainable Residential Development in Urban Area guidelines all identify the provision of one childcare facility per 75 residential units but do acknowledge that provision should be based on demographics and an assessment of demand. The applicants Childcare Demand Assessment sets out the demographic profile of the area and estimates the likely demand generated by the proposed development in terms of childcare for the 0-6 year old co-hort. The demand is based on 233 units with all studio, one bed and circa 30% of the two bed units excluded. It is estimated that the likely demand generated by the proposed development is 38 childcare places with 76 spaces provided.

9.11.3 The Childcare Demand Assessment also set out likely demand generated by approved residential developments in the area (4 development totalling 296 units) with the likely demand estimated as 20 childcare places. The assessment also identifies that there are 8 no. existing childcare facilities within a 1km radius of the site with some having capacity (lack of information on capacity provided by some facilities). The assessment concludes that the childcare facility proposed would have sufficient capacity based on likely demand generated by the proposed development taken in conjunction with approved development in the area and noting that there are existing childcare facilities in the area with capacity.

9.11.4 I am satisfied that the applicant has demonstrated that the childcare facility proposed with a capacity for 76 children is sufficient to cater for future demand as well as demand from outside proposed development. I am satisfied that this is based on the profile of units proposed on site with exclusion of the studio, one bed apartments and a portion of the two bed units justified and based on the demographic profile of the area.

9.11.5 The applicants submitted a Community Infrastructure Audit. In terms of existing childcare facilities the audit identifies that there are 11 educational facilities within an indicative 1km radius of the site (4 no. primary schools (one school is split into two locations), 4 post primary and 2 no. third level institutions). Firstly in relation to the proposed use, as stated above the proposed mix of uses is compliant with the zoning objective in the current Development Plan with no specific objective or zoning designation identifying the site as prioritised for school provision or any other use. In relation to school capacity I would reiterate that the site is zoned lands in an urban area with access to a considerable level of existing services and facilities including educational facilities within the area as well as access to public transport making the development accessible to services outside of the surrounding area.

9.11.6 Conclusion: I am satisfied that the proposed development is provided with a childcare facility of adequate size based on the type and nature of residential development proposed and the likely demand generated by the proposed development. The provision of such is consistent with Development Plan policy and the recommendation of national guidelines. The provision of the childcare facility will also provide for demand generated in the intervening area and provides a facility in close proximity to established residential development. I also consider that the area is well served by existing educational facilities to serve the demand of the proposed development and established residential development in the area and such is within a reasonable (1km) distance of the proposed development.

9.12 Ecology/Biodiversity:

9.12.1 The appeal site is institutional lands characterised by a high level of green space/grassed area with existing trees located along the eastern, western and northern parts of the site. The southern part of the site is occupied by a number existing buildings. The application was accompanied by a number of documents...

Biodiversity Enhancement Plan

Arboricultural Assessment

Tree and Woodland Management Plan

9.12.2 The existing habitats on site consist mainly of

Dry Meadows and Grassy Verges (GS2) at the central area of the site.

Buildings and Artificial Surfaces (BL3) habitat to the south of the site.

Mixed Broadleaved/conifer Woodland (WD2) to the northwest and east of the site.

Stone Walls & other Stonework (BL1) bounds the eastern extent of the site.

Fagus sylvatica Hedgerow (WL1) separates the grassland habitat from the woodland habitat to the north by the main entrance.

Scattered Trees and Parkland (WD5) is found in the north of the Site.

Treelines (WL2) on site including...

- Treeline along western boundary (*Cherry Prunus avium*).
- Two treelines run north to south along the centre of the Site adjacent to the existing buildings, comprising *Holly Ilex aquifolium*.
- One mixed species treeline runs along the eastern extent of the carpark that bounds the WD2 woodland habitat.

Scrub (WS1) is found along the western border of the site.

Ornamental Shrub (WS3) occur to the southeast of the site.

9.12.3 A number of surveys were carried out on site. In relation flora no plant species listed under the Flora (Protection) Order 2022 were identified on site. In terms of invasive

species 8 no. species were identified on site with two of such species high impact (Spanish Bluebell and Three-cornered leek).

9.12.4 In relation to fauna (excluding bats) no protected terrestrial mammals were recorded on site. Mammal paths on site are largely restricted to linear ecological features (hedgerow, treelines). No confirmed signs of Badger foraging, commuting (tracks), latrines, setts, or any other form of habitation. Abandoned mammal setts on site are not recent and may be red fox with evidence of red fox predation on site. The report indicates that red fox are not an endangered species and afforded basic legal protection under the Wildlife Act. Although not recorded on site such does have potential habitat suitable for badger, hedgehog and pygmy shrew with the National Biodiversity Data Centre (NBDC) indicating the existence of such species in the vicinity. The survey result show no amphibian or reptile species were recorded during the field surveys and there is also no suitable habitat for such on site. The old stone wall on site may be a potential habitat for the common lizard.

9.12.5 The bat surveys carried out on site indicate that the trees on site are largely of negligible roosting potential and that thirteen trees to be felled are of low roosting potential. In terms of the existing building two were identified as having moderate roosting potential due to loft voids and roof damage (Tabor House and the Chapel, which are to be retained). Milltown Park House has low potential for roosting due the presence of loft space. Surveys carried out in 2020 and 2023 did not detect bat roosts present on site or within the existing structures on site. Bat activity on site is recorded as being sparse with Leisler's bat, *Nyctalus leisleri* and Soprano Pipistrelle *Pipistrellus pygmaeus* activity recorded on site in the most recent surveys and Common Pipistrelle *Pipistrellus pipistrellus* under previous surveys on site. The bat activity is described as commuting and feeding.

9.12.6 Bird surveys on site identified 38 bird species including 1 no. red-listed species (swift) and 8 no. amber listed species (Barn Swallow, Common Gull, Goldcrest, Herring Gull, House Martin, House Sparrow, Linnet and Starling). Three of the species identified are confirmed to be nesting on site (Jackdaw, Herring Gull and

Woodpigeon). A winter bird survey recorded no usage of the site by wintering waterbirds. The bird surveys also identified no potential flight paths over the site that would result in collision risk.

9.12.7 There are no watercourses on site is no habitat suitability for fish, amphibians, or invertebrates. The old stone wall on site may be a potential habitat for the common lizard.

9.12.8 The application was accompanied by an Arboricultural Assessment. The assessment identifies 404 no. trees on site concentrated along the eastern, western and northern boundaries and a treeline running through centre of the site. The assessment breakdowns the trees based on quality and value with

Category A (High quality and value), 24

Category B (Moderate quality and value), 199

Category C (Low quality and value), 154

Category U (Trees in poor condition, less than 10 years) 27

To facilitate the proposed development there will be the removal of...

4 no. Category A (1%).

113 no. Category B (28%)

139 no. Category C (34.4%)

27 no. Category U (6.7%).

The majority of trees to be removed are concentrated along the western boundary and the central treeline through the site and are described as primarily early-mature moderate value (category B) cherry, lime and holly trees.

9.12.9 The Biodiversity Enhancement Plan provides a list of enhancement/protection measures to be implemented on site. These include...

A detailed landscaping plan including new planting of native species.

Provision of wildflower meadows and woodland understory planting, appropriate management of amenity grassland, wildflower meadows and woodland understory planting.

Provision of green roofs.

Provision of bird boxes, swift bricks and bat boxes.

Provision of insect hotels and log piles.

Monitoring by an ecologist of enhancement measures.

9.12.10 The appeal submission and observations raise a number of concerns. The overall impact on biodiversity/ecology is highlighted with the site considered to be part of ecological corridor with other lands in the vicinity, which will be disrupted. One of the observations is accompanied by an Ecology Report raising concerns regarding the adequacy of bat surveys, the classification of existing trees in terms of bat roosting potential, misclassification of habitat in the treeline along the western boundary and grassland, severance of a terrestrial mammal corridor (along the western boundary into the lands to the south). In response to this issue I would note that there are other sites in open space featuring amenity grassland and trees in the vicinity, however the site is not part of uninterrupted ecological corridor and is physically separated by intervening public roads and structures. In regards to a potential terrestrial mammal corridor along the western boundary to the lands to the south, permission has been granted to separate the site from the lands to the south and the works to provide a boundary wall are currently ongoing. Notwithstanding such the proposed development retains a significant level of the site in open space with woodland areas located along the northern and eastern boundaries.

9.12.11 The appeal submissions are critical regarding what is viewed as an excessive level of loss of trees on site, with such considered inappropriate. In this regard I would reiterate an appropriate balance is being struck between comprehensive

development of the site and retention of features or ecological value (trees/woodland) and protection of the site in terms of biodiversity. The development is designed to retain wooded areas to the north and east of the site with loss of the central and western treelines. I would consider that the development retains the areas of highest amenity/ecological value and taken in conjunction with the requirement for an enhanced level of public open space under the Z12 zoning, the level of tree removal and retention is acceptable. The retention of all trees on site including along the western boundary and central belt would render the site undevelopable and is not an appropriate response to deal with land clearly designated to be developed by its zoning and in an area where additional housing is appropriate.

9.12.12 The appeal submissions are critical of the surveys carried out on site with the bat and bird surveys considered deficient in terms of identifying the roosting and foraging potential of the site for and the impact of the development in terms collision risk for bird species. The surveys carried out on site include the surveys carried out in preparation for the previous SHD proposal on site and updated surveys carried out for the current proposal. I am satisfied that the surveys are carried out by competent and qualified individuals (details included with the surveys) and that comprehensive level of survey information has been submitted for the appeal site and existing structures on site. I am satisfied that the information submitted by the applicant is sufficiently robust and detailed to make an assessment of the development in the context of ecology and biodiversity in this case. As highlighted earlier the site and the associated trees and existing buildings are identified as being of low roosting potential and the site is not on flight path that would result in a collision risk for bird species. In addition to surveys a number of mitigation measures are included with provision of bat boxes, bird boxes and swift bricks, retention of a significant level of existing trees and provision of woodland management plan and understorey planting to enhance the biodiversity characteristics of the site. The provision of lighting design to have regard to bats is also proposed and a number of conditions were attached to the grant of permission requiring implementation of all mitigation measures in relation to bats, which I would recommend are included or similar in the event of a grant of permission.

9.12.13 Conclusion: I am satisfied that sufficient information has been submitted regarding the ecology and biodiversity on site and I am satisfied that the site is of moderate value in terms of being a habitat for flora and fauna. I am satisfied that proposal provides a sufficient balance in developing the site for residential development in accordance with zoning policy and retaining a sufficient degree of existing ecological features, which will be enhanced by additional planting, eradication of invasive species currently on site and management measures to encourage biodiversity.

9.13 Justification for demolition of existing structures:

9.13.1 An issue raised in the appeal submissions and observations is the justification for demolition of the majority of the existing structures on site including Milltown Park House, Finlay Wing, Archive Building and Linking Block with Tabor House and the Chapel being the structures to be retained, refurbished and used for community and cultural uses. The documents submitted include an Appraisal of Architectural Significance, Photographic Record and Chronological Drawings of Existing Building Range of the existing structures on site. The applicants' justification for demolition of existing structures relates to their non-protected status, difficulties in repurposing such for residential use, achieving the desired energy rating standards, condition issues and unsuitability of existing structures for the proposed use.

9.13.2 Having inspected the site it is notable that the existing structures on site are not included on the record of protected structures or on the National Inventory of Architectural Heritage. I would also be of the view that the structures for demolition do not contribute significantly to the architectural character of the area given their haphazard arrangement and the fact that there have been several later additions over time. The proposal which includes the retention of the Chapel and Tabor House would improve the setting of these structures, which are the best quality in terms of architectural character and features. I accept the view that the existing structures for demolition would not lend themselves easily to being repurposed for residential development.

9.13.3 Conclusion: I would consider that the proposed development strikes an appropriate balance between the retention of existing structures on site and providing for the comprehensive and efficient development of the site in accordance with Development Plan, National and Regional policy objectives. In this regard the level of demolition proposed on site is justified.

9.14 Other Issues

9.14.1 The appeal submissions and observations have raised technical and legal criticisms in relation to Environmental Impact Assessment (EIA) and Appropriate Assessment (AA). I do not intend to counter the legal arguments presented in terms of law and I address the issue of EIAR and AA under the relevant section of this report. I am satisfied that all these matters are adequately dealt with and in accordance with the relevant legislation as it stands and would refer to the appropriate section of this report in this regard.

9.14.2 One of the appeal submission suggest that submission of an LRD application not possible in legal terms as there is a current SHD proposal granted subject to judicial review. The application was accepted and validated by Dublin Council and permission was granted, which is subject to third party appeal. I am not aware of any preclusion in terms of consideration of this third party appeal due to the fact there was previous application on site.

9.14.3 The appeal submission raise the fact that the proposal is not significantly different in design and scale from the previous proposal on site as a criticism. The current proposal is materially different but is of similar in terms of nature of uses, overall design, scale and layout however features a reduced number of units. The proposed development is considered on its merits and I would note that the previous proposal was considered to be in accordance with the proper planning and sustainable development of the area by the Board when assessed and that decision is now subject to judicial review.

9.14.4 The appellants and observers note the previous proposal was a built-to-rent development and question what the status of the current proposal is and whether the units will be available for sale to individuals. The proposed development is not specified to be a built-to-rent proposal and the Planning Authority did apply a Section 47 requirement that all houses and duplex be available for sale. I would recommend a similar condition in the event of grant of permission

9.14.5 Concern were express about the lack of detailed plans or specification of use for both Tabor House and the Chapel with such to be use for community and cultural uses. The plans submitted include a design and layout with the Chapel and Tabor house to be refurbished and designated for community and cultural uses. I would consider that the lack of concrete details regarding both these uses would not be a sufficient justification for refusing permission and that both structures are suitable and provide ample space for the uses specified. Sufficient access and parking is also proposed adjacent these elements of the proposal.

9.14.6 The appeal submissions and observations raise concerns regarding the level of outdoor space associated with the childcare facility. The childcare facility is provided with 390sqm of external space provided exclusively for this use and separate to the other open space areas. The Childcare Guidelines provide no specific development standard for outdoor space for a childcare facility and I have no reason to conclude that this level of space is insufficient

9.14.7 In relation to drainage infrastructure and services the application was accompanied by an Infrastructure Design Report detailing proposals for surface water, foul drainage and water supply with the site located in a serviced urban area. The applicant has submitted a confirmation of feasibility of connection to drainage infrastructure from Irish Water (included in appendix E of the Infrastructure Design Report) and no objection was raised by the Council's Drainage Division subject to conditions including further details to be agreed regarding attenuation/SuD measures. Conditions were applied to deal with these aspects of the proposal and I

am satisfied that appropriate conditions in relation to drainage would be sufficient in the event of a grant of permission.

9.14.8 In relation to flood risk a Site Specific Flood Risk Assessment was submitted. I am satisfied that the appeal site is at a location not susceptible to any form of flooding (coastal, fluvial, pluvial and groundwater, no record of flood events at this location) and the proposed development would not be at risk of flooding.

10.0 Environmental Impact Assessment

10.1 Environmental Impact Assessment Report

10.1.1 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 the demolition of Milltown Park House; Milltown Park House Rear Extension; the Finlay Wing; The Archive; the link building between Tabor House and Milltown Park House and Milltown Park Rear Extension to the front of the Chapel; The refurbishment and reuse of Tabor House and the Chapel, and the provision of a single storey glass entrance lobby to the front and side of the Chapel; and the provision of 636 no. apartment and duplex units (87 no. studio, 227 no. one bed units, 296 no. two bed units and 26 no. three bed units). The site is located within the administrative area of Dublin City Council.

10.1.2 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. 4.26 hectares (ha), the site location is located within an inner suburban area; which is a built up area but not part of a business district. The proposed development does not exceed the threshold of 10 hectares under Class 10 (b) (iv). The proposed development comprises 636 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 (Volume 1), a main volume (Volume 2) and supporting appendices (Volume 3). Section 1.8 of Volume 2 set out details of contributors to the EIA Report and the Chapters to which they contributed with detail of their qualifications and expertise at the start of each chapter they have contributed to.

10.1.3. I am satisfied that the information contained in the EIAR has been prepared by competent experts and complies with article 94 of the Planning and Development Regulations 2000, as amended. The EIAR would also comply with the provisions of Article 5 of the EIA Directive 2014. This EIA has had regard to the information submitted with the application, including the EIAR, and to the submissions received from the council, the prescribed bodies and members of the public which are summarised in sections 7, 8 and 9 of this report above. 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. I note that there are some concerns from observers in relation to loss of trees/woodlands and wastewater capacity issues are not

addressed, and some observers have raised issues concerning the sheer quantity of paperwork submitted. However, for the purposes of EIA, I am satisfied that the EIAR is suitably robust and contains the relevant levels of information and this is demonstrated throughout my overall assessment

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 addresses the vulnerability of the project to major accidents and/or disaster under Chapter 18, Risk Management. Table 18.3 outlines lists the major accidents and/or disasters reviewed. This vulnerability of the project to major accidents or disaster is not considered significant. The site is not a Seveso facility and is not within the consultation distance of any Seveso facility and 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 11 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 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 4 addressed 'Alternative Locations' and notes that the zoning of the site is appropriate for residential development and notes the change in zoning from Z15 to

Z12 under the current development plan. The site is considered to an appropriate for new residential development in close proximity to the urban core, public transport and local services/facilities. 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 Alternative designs and layouts were also considered during the design process and in response to the LRD opinion issued by Dublin City Council. This chapter outlines a number of alternative design layouts and configurations considered. The proposed design is the culmination of a considered design process, having regard to the zoning objective, the requirement to provide 25% of the site area as public open space, a consideration of which existing structures on site should be retained and can be repurposed to provide for a residential development, considerations of the amenities of adjoining properties and natural features on site. 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 likely significant indirect effects of the development are considered under the headings below which follow the order of the factors set out in Article 3 of the EIA Directive 2014/52/EU:

- population and human health;
- biodiversity, with particular attention to species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC;
- land, soil, water, air and climate;
- material assets, cultural heritage and the landscape; and
- the interaction between those factors

10.6 Population and Human Health

10.6.1 Population and Human Health: Population and Human Health is addressed in Chapter 5 of the EIAR. The methodology for assessment is described as well as the receiving environment. The site is located in the Rathmines East B Electoral Division. Recent demographic and socio-economic trends are examined.

10.6.2 The EIAR notes that the study area has seen population growth of 8% since the between the 2016 census and 9.5% between the 2011 and 2016 census. Average Household size of 2.3 person based on census information compared to 2.5 for the whole of Dublin City. Employment figures show a low rate of unemployment. This chapter outlines proximity to local services with the site in with Milltown, Donnybrook, Clonskeagh, Ranelagh, Beechwood and Rathmines within a 30 minute walking radius and their associated services and facilities. The availability of education facilities (Community Infrastructure Audit) within 1km of the site is also highlighted and that there is adequate provision for childcare demand from existing childcare facilities and the proposed childcare facility on site (Childcare Demand Assessment report).

10.6.3 The closest neighbouring sensitive properties to the proposed development are the residential dwellings at Cherryfield Avenue Upper and Lower, Norwood Park, along Sandford Road and Milltown Road, existing apartment development off Milltown Road (Mount Sandford, Rowan/Cedar Hall) to the east of the site.

10.6.4 The EIAR noted that following an analysis of education, childcare and school capacity the potential demand generated from the proposed development can be absorbed by the available capacity in the area.

10.6.5 The construction phase is anticipated to be 1-35 months. The main negative effects on existing population in the area would be in relation to the construction phase with construction activity having the potential to cause disturbance, traffic, noise and dust. The predicted impact during the construction phase is short-term and neutral. 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.

10.6.6 Mitigation measures are outlined within Chapter 5 and relate to the construction phase to limit disturbance caused during the construction phase. The measures largely relate to good practice construction management to limit noise, pollution and disturbance caused by construction works. It is considered that there is no potential for significant impact as a result of the proposed development. In relation to the conclusions of the EIAR, I concur with same, in particular I am of the view that long-term significant positive impacts result from the provision of housing on the site. While not cited in the EIAR, I am also of the view that significant positive cumulative effects on population and human health result from the provision of housing on this site, in combination with other sites, either with permissions for housing development or already under construction. While not significant, I am of the view that any impacts on population and human health as a result of noise and air quality, at construction stage, would be avoided, managed, and mitigated by the measures which form part of the proposed scheme, and such measures are as described in other sections of this EIA. I am therefore satisfied that the proposed development would not have any significant direct, indirect, or cumulative impacts in terms of population and human health

10.6.9 Noise and Vibration: Chapter 13 of the EIAR deals with noise and vibration. The methodology for assessment is described. Potential impacts are mainly associated with the construction phase of the development, arising from demolition, site preparation works, foundations/basement excavation, and general construction works, landscaping and construction traffic. The EIAR identifies the sensitive receptors around the site, which are the residential dwellings and developments closest to the boundaries of the site. In the absence of mitigation, impact upon noise sensitive receptors during the construction phase is predicted to be negative, slight to moderate and short-term impact. In terms of vibration, potential impact include generation of vibration through piling with such to be carried out within emission levels based on BS5228-2 and BS7385 and outlined in Table 13.1.

10.6.10 Operational phase impacts are identified as mechanical plant noise, additional traffic generation, noise generated by community and cultural uses (entertainment noise), noise generated by the outdoor play area. The impact of such is anticipated to neutral imperceptible and permanent. In relation to vibration there is no significant impact on such during the operational phase.

10.6.11 Mitigation is described in section 13.6 of the EIAR. During construction phase mitigation is largely formed of the application of best practice control measures for noise and vibration from construction sites (BS 5228 [2009 +A1 2014] Code of Practice for Noise and Vibration Control on Construction and Open Sites Parts 1 and 2). Measures include the selection of quiet plant, enclosures and screens around noise sources, limiting hours of work, noise and vibration monitoring and liaison with neighbours. During operational phase mechanical plant is also designed to minimise noise and vibration.

10.6.12 During construction phase, residual impact from noise upon surrounding occupiers with mitigation in place is anticipated in the EIAR to be negative, significant and short term for works adjoining the boundaries and existing dwellings reducing in significance moving away from the boundaries (moderate 40m and more away) residual impact of construction traffic is anticipated to be negative, slight-moderate

and short-term. During the operational phase, residual impact from noise upon surrounding occupiers from mechanical plant traffic and entertainment noise is neutral, imperceptible and permanent and for the outdoor crèche area negative, not significant and permanent. Impact from traffic is predicted to be negative, slight and long-term.

10.6.13 I am satisfied that with the application of the mitigation measures described, there is no significant permanent impacts resulting from noise and vibration associated with the development, or for future residents of the proposed development. There is likely to be disruption to users and occupiers of the area surrounding the subject site during the construction of the proposed development, however this will be temporary and incorporate mitigation to limit the degree of disturbance. The application of mitigation measures can be secured through conditions, particularly through the application of a final Construction and Environmental Management Plan for the proposed development. I am satisfied that subject to the implementation of the measures described in the EIAR the proposed development would be unlikely to have significant adverse direct, indirect or cumulative effects in relation to noise and vibration.

10.7 **Biodiversity with particular attention to species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC**

10.7.1 Chapter 8 deals with Biodiversity. The biodiversity chapter details the survey methodology of the assessment and fieldwork dates (Table 8.1) and such include ecological walkovers of the site, a habitat and flora survey, no-valant-mammal survey, invasive alien plant species surveys, winter bird surveys, breeding bird surveys, early/seasonal bird survey, breeding bird survey inclining building inspection. Bat emergence and dusk transect survey, daytime bat habitat assessment survey, internal bat roost assessment of Tabor House and Chapel and bat static detectors to establish the baseline scenario. An Appropriate Assessment Screening Report was prepared and is assessed in section 8 of my report, the

proposed development was considered in the context of any site designated under Directive 92/43/EEC or Directive 2009/147/EC.

10.7.2 The habitat character of the site is defined by buildings and artificial surfaces, amenity grassland and mixed broadleaved/conifer woodland with scattered trees and treelines. There were no signs of terrestrial mammal species protected under the Wildlife Act, 1976 and Wildlife (Amendment) Act, 2000, table 8.7 of the EIAR refers. Evidence of Fox was found on site and due to potential suitability of the proposed site for Badger, Hedgehog and Pygmy Shrew, the site has been valued as being of local ecological importance (higher value). No amphibians were present on site (less than local importance). The ecological walkover of the site identified the site as being suitable as foraging and commuting habitat for bats as it provides open grassland and woodlands in an urban setting. It is also located close to the River Dodder which provide an important corridor for commuting and foraging bats. Table 8.17 and 8.18 identifies trees of low to moderate roosting potential and buildings with roosting potential with Tabor House and the Chapel having moderate potential. The treelines and hedgerows within the site are classified as of moderate suitability for commuting and foraging. The appellants and observers have criticised the EIAR with respect to protected species such as Bats and query the lack of bat roosts found on site.

10.7.3 The following non-native species were recorded within the site: Winter Heliotrope *Petasites pyrenaicus*, Snowberry *Symphoricarpos albus*, Butterfly-bush *Buddleja davidii*, Traveller's-joy *Clematis vitalba*, Three-cornered Garlic *Allium triquetrum*, Spanish Bluebell *Hyacinthoides hispanica*. The following invasive mammal was recorded: Grey Squirrel *Sciurus carolinensis*.

10.7.4 In relation to birds a breeding bird and winter birds surveys identified 38 species (listed in Table 30) with 1 no. red-listed species (swift) and 8 no. amber listed species (Barn Swallow, Common Gull, Goldcrest, Herring Gull, House Martin, House Sparrow, Linnet and Starling). Three of the species identified are confirmed to be nesting on site (Jackdaw, Herring Gull and Woodpigeon). In relation to

breeding bird classification is Local Importance (Higher Value). A winter bird survey recorded no usage of the site by wintering waterbirds (less than local importance).

10.7.5 Section 8.11 of the EIAR describes the potential impact of the proposed development during the construction stage, which include loss of habitat, removal of trees, scrub and amenity grassland, loss of habitat connectivity and loss of foraging habitats for bats, loss of breeding and foraging habitat for bird species of habitat for non-valant mammals, badgers and the potential for disturbance due to noise, dust and construction activity. Impact on bats and birds is classified as negative, permanent and moderate without mitigation. For non-valant mammals impact is negative, permeant and moderate without mitigation. In terms of badger impact is imperceptible and neutral due to lack recorded activity. Neutral in the case of amphibians, fish, reptiles and invertebrates (permanent, neutral and no significant for common lizard) due to lack of activity and suitable habitat on site.

10.7.6 Operational impacts include increased light impacting foraging and commuting habitats of bats and other fauna (hedgehog) with a negative, permanent and significant impact without mitigation. Noise and disturbance in relation to breeding birds would be neutral, permanent, and imperceptible. No impact is identified in terms of collision risk with the bird surveys not identifying any flight paths across the site.

10.7.7 Mitigation meuares are identified under Section 8.12 and include during the construction phase, retention of trees on site and tree protection meuares, noise management measures during construction, appropriate timing of vegetation clearance (outside bird breeding season). Further survey works prior to demolition and construction in relation to bats species. An invasive species management plan. Lighting management and directional lighting during construction and appropriate monitoring of measures in this regard. During construction phase measures include a bat friendly lighting design, provision of wildflower meadow, green roofs, native planting bird box/swift brick scheme and bat boxes. Understorey planting in the retained woodland areas and activity management of such.

10.7.8 Residual impact of implementation of the mitigation measures is estimated to reduce impact on ecological receptors to not significant as well as having positive residual impact due to eradication of invasive species on site increasing biodiversity potential of the wooded areas to be retained along the northern and eastern boundary. I have given consideration to third party objections in relation to negative ecological impact, however I am of the view that the EIAR appropriately describes the nature and value of the key ecological reports on site including habitats and species. While I note the removal of some habitat areas and related disturbance as described above, the proposal does entail retention of a high number trees, provision of woodland areas, wildflower meadows and habitat enhancement measures that would render impact not significant and enhancement measures that would benefit biodiversity. I would also note that the site is zoned for residential and this zoning supports redevelopment of the lands which in any form, will invariably lead to some disturbance and clearance of habitats on the site.

10.7.9 I am satisfied that the development of the site would be unlikely to have significant effects in relation to biodiversity. I draw the Boards attention to the AA section of my report (Section 8) where the potential impact of the proposed development on designated European sites in the area is discussed in greater detail.

10.8 Land, soil, water, air and climate

10.8.1 Lands, soil and geology: Chapter 10 of the EIAR addresses land, soil and geology. The methodology for assessment is described as well as the receiving environment. Site investigation works were carried out between January and June 2020 and consisted of...

- 11 No. Trial Pits.
- 3 No. Infiltration Tests.
- 14 No. Window Samples.
- 13 No. Dynamic Probes.
- 16 No. Cable Percussion Boreholes (5 No. Rotary Cores).
- 9 No. Plate Bearing Tests.

- 1 No. TRL probes to determine CBR Value.
- 7 No. Groundwater monitoring wells.

According to on site investigations, depths to rock varies from 9.0m to 18.45m BGL. Groundwater was observed at 4 of 16 borehole locations at depths typically ranging from 2.5m to 3.0m BGL. Ground water measurements taken in June 2020 and October 2020 indicated ground water depths of 1.0m to 7.5m BGL. Infiltration tests were carried out at 3 locations. Test results indicate that soils are impermeable with no infiltration recorded (typical of the cohesive material observed during site investigations). Material sampled across the site is free of contamination and can be classified as non-hazardous. Review of GSI's online mapping service ("Quaternary Sediments") identify surficial geology in the vicinity of the site as "Till derived from limestones" which is consistent with the findings on site.

10.8.2. The construction phase of development will require the removal of the existing topsoil layer (0.2m to 0.4m thick topsoil layer), 40% of stripped topsoil will be reused on site (incorporated into landscaping of back gardens and public open spaces) the remainder will be used off site. Excavation of subsoil layers will be required in order to allow road construction, foundation excavation, basement excavation for underground carpark, drainage and utility installation and provision of underground attenuation of surface water. The designed road levels and finished floor levels follow the natural topography of the site, therefore, minimising the need for cut / fill operations to enable development. Most excavated material will not be required on site and will be exported for use elsewhere. Importation of structural fill will be required beneath buildings and roadways.

10.8.3. Subsoil stripping and localised stockpiling of soil will be required during construction. It is estimated that c. 23,000 m³ of soils will be excavated to facilitate construction of the proposed Project, 13,000 m³ will remain on site and 10,000 m³ will be exported. It is estimated that c. 20,000 m³ of engineered fill material will be required to facilitate construction. The proposed development would result in the loss of more than 4.2 hectares of un-productive ground, zoned for uses that include residential purposes. Given the extent of such land that would remain available in

the overall region, this is not considered to be a significant effect. The proposed development would not require substantial changes in the levels of site. It is therefore unlikely that the proposed development would have significant effects with respect to soil.

10.8.4. Impacts during the construction phase include stripping of topsoil, excavation of subsoil layers, intervention through foundations and basement construction, imported fill, construction traffic and potential for accidental spillages and contamination (no evidence of existing contamination on site). There is no anticipated impacts on land soil and geology during the operational phase with all impacts confined to the construction phase. Without mitigation effect are anticipated to be negative, significant and short term.

10.8.5 Mitigation measures include re-use of topsoil on site, screening of imported fill, appropriate disposal of material exported off site, construction management measures in terms excavation, avoidance of spillages/contamination, management of storage/stockpiling and construction traffic. Residual impact is predicted to be neutral, non-significant and short-term. No mitigation is proposed for the operational phase.

10.8.6 During the construction phase of the proposed development there are several potential processes that could impact lands and soils with such confined to the construction phase. There is risk of contamination due to accidental release of hydrocarbons or polluting material. The CEMP sets out the proposed procedures and operations to be utilised on the proposed construction site to protect lands and soil including avoidance of contamination, screening of imported material, appropriate storage of excavation material on site and appropriate disposal of waste material. These measures are sufficient to ensure no significant effects and the completed scheme would negate the initial negative impact from the construction phase and would protect the exposed soils from ongoing weathering and erosion.

10.8.7 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 significant direct, indirect or cumulative effects on land, soil and geology.

10.8.8 Water & Hydrology: Chapter 11 of the EIAR deals with water and hydrology. The methodology for assessment is described as well as the receiving environment. The site is within the River Liffey and Dublin Bay Catchment and the Dodder River sub-catchment. The Dodder River runs c.500m south east of the site. The Dodder River has a Water Framework Directive (WFD) status (2013-2018) of 'Moderate' and a WFD risk score of 'At risk of not achieving good status'. There are no watercourses on site. The GSI classifies the bedrock aquifer beneath the subject site as a 'Locally Important Aquifer – Bedrock which is Moderately Productive only in Local Zones'. The proposed development is within the 'Dublin' groundwater body and is classified as 'Poorly productive bedrock'. The most recent WFD groundwater status for this water body (2013-2018) is 'Good' with a current WFD risk score 'Under Review'.

10.8.9 Flood Risk: The application was accompanied by a Site Specific Flood Risk Assessment that determined the site was located in flood zone C. The proposed project was subject to Site Specific Flood Risk Assessment (SSFRA) in accordance with OPW Flood Risk Management Guidelines, and is included with the planning application as separate document. The SSFRA states that all residential properties are located in Flood Zone C and have the required level of flood protection up to and including the 100 year return event. Overland flow paths have been identified for pluvial flooding exceeding the capacity of the proposed surface water drainage network. The planning authority agree with the findings of the SSFRA, however, observers have identified local flood events at the entrance of Norwood Park. The mitigation measures to address residual flood risks include:

- Proposed drainage system to be maintained on a regular basis to reduce the risk of a blockage.
- During storm events exceeding the 1% AEP design capacity of the attenuation system, possible overland flow routing towards public roads located north and east

of the site should not be blocked. At these locations, the site's boundaries should be permeable to facilitate flood routing onto Sandford Road and Milltown Road.

10.8.10 Should extreme pluvial flooding occur that exceeds the development's attenuation capacity (i.e. greater than 1%AEP), overland flow routes directed towards adjacent public roads are provided in order to protect the proposed development. It will be important that off-site drains are also adequately maintained and this falls outside the remit of this analysis. I am satisfied that the site and proposed development is not at risk of flooding and would not exacerbate flood risk elsewhere.

10.8.11 Foul drainage: Foul drainage will be to an existing 600mm diameter combined sewer located adjacent to the site's north eastern boundary (Sandford Road). An existing 375mm diameter combined sewer is also located adjacent to the site's south eastern boundary (Milltown Road) which outfalls to the 600mm diameter combined sewer in Sandford Road. The existing combined sewer network described above ultimately discharges to Ringsend Waste Water Treatment Plant. A daily foul discharge volume of approx. 289m³ has been calculated for the development when operational. The issue of capacity of the local network to absorb the development proposed is raised in appeal submissions/observations. The EIAR does not illustrate any similar findings and in this respect Irish Water have confirmed that a new connection to the existing network is feasible without upgrade. 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.

10.8.12 Surface water drainage: It is proposed to discharge attenuated flows from the site to the existing drainage network to an existing 300mm diameter public surface water drain on Eglinton Road (east of the site) at a controlled greenfield runoff rate of 2.0 l/sec/ha. Surface water runoff from apartment roofs will be captured by green roof (sedum blanket or equivalent) prior to being routed to the piped surface water drainage network. Surface water runoff from the roofs of duplex units located along the western boundary will be routed to the proposed surface water pipe network via porous aggregates beneath permeable paved driveways (providing an additional

element of attenuation). A drainage reservoir (drainage board) is to be provided on the podium slab over basement (for green areas and paved areas). Surface water runoff from the majority of the proposed development site's internal street network will be directed to the proposed pipe network via tree pits or other SUDS features, including bio-retention areas.

10.8.13. A potential for an effect to arise during the construction of the proposed development from the emission of sediments or hydrocarbons to surface water is described in section 11.5 of the EIAR. The potential for such effects arises in projects that involve building on suburban infill sites. There are standard measures that are used to avoid such effects which are described in section 11.6 of the EIAR. The efficacy of such measures is established in practice. Subject to the implementation of those measures, the construction of the proposed development would be unlikely to have significant effects on the quality of water.

10.8.14 Water supply: Water supply serving the proposed development would be from two 200mm diameter connections off the existing 9" water mains located along Sandford Road and Milltown Road. Irish Water have confirmed that a new connection from the public network is feasible.

10.8.15 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 11.6 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.

10.8.16 During the operational phase the site would be served by existing water supply and foul water network. There are no discharges to any open water courses. There will be an increase in hardstanding area associated with the development area, however a high degree of soft landscaping is retained on site. 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.

10.8.17 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.

10.18.18 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 and hydrology. With regard to cumulative impacts, no significant cumulative impacts on the water environment are anticipated.

10.8.19 Air Quality: Air Quality is outlined in chapter 12 of the EIAR. The methodology for assessment is described. The Chapter includes an assessment of ambient air quality standards and estimation of dust impact based on the characteristics of construction activity (demolition, excavation, construction, machinery movements). An assessment of traffic in terms of emissions. 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 construction activity and construction traffic/machinery emissions as a result of the proposed development are summarised in Table 12.19 of the EIAR. The impact of dust is during the construction stage is considered to be negative, significant, direct and short term without mitigation. For traffic/machinery emission impact is considered to be neutral, imperceptible, direct and short term. Any potential dust impacts can be mitigated through the use of best practice and minimisation measures which are outlined in Section 12.7 of the EIAR and relate to best practice construction measures and maintenance of machinery. Dust impacts with mitigation are considered to be neutral, short-term and imperceptible at all nearby sensitive receptors whereas traffic emission with mitigation are considered to remain neutral, imperceptible, direct and short term.

10.8.20 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. There is potential for increased traffic emissions. 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. There are no significant cumulative impacts to air quality predicted for the construction or operational phases.

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

10.8.22 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.

10.8.23 Climate: Climate is also outlined under Chapter 12. The methodology for assessment is described and includes a Green House Gas Assessment and Traffic Assessment to define the baseline scenario. 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. The predicted embodied carbon estimated to result during the construction phase is of 19,975 tonnes embodied CO₂eq, equivalent to an annualised total of 0.5% of the 2030 Buildings (Residential) or industrial sector budgets (both have same 2030 budget) when annualised over the lifespan.

10.8.24 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. The impact on climate from construction and operational phase combined (Table 12.28) is significant/negative and long-term however impact during operational phase is predicted is to be neutral and imperceptible.

10.8.25 Mitigation measures are outlined 12.7 and relate to the construction phase and are measures to reduce dust and emission related to construction activities and machinery and area best practice construction management measures. The implementation of these measures would reduce construction impact in terms of greenhouses gases and climate with residual impact being negative but short-term in nature. I am satisfied that the operational phase will be neutral and imperceptible in terms of climate change.

10.8.26 There are no significant cumulative impacts to climate predicted for the construction or operational phases. 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.

10.8.27 I have considered all of the written submissions made in relation to air quality and climate. 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 be unlikely to have any significant effects in relation to air quality and climate.

10.9 **Material assets, cultural heritage and the landscape:**

10.9.1 Archaeology, Architectural Heritage and Cultural Heritage: Chapter 6 of the EIAR addresses Archaeology and Cultural Heritage. The methodology for assessment is described and the receiving environment is described. There is are no recorded

monument within the proposed development site with closest being the site of a ringfort (DU022-089; Clonskeagh) located 325m to the south east and is one of 19 no. recorded monuments within 600m of the application site.

10.9.2 Details of archaeological investigations in the area are outlined with no previous archaeological investigations on site. An archaeological geophysical survey was carried out across the proposed development area with one potential archaeological response to the south west that turned out be non-archaeological when subsequent test trenching was carried out. Test excavation carried out in December 2019 including 16 no. test trenches and yielded no features of archaeological significance. 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.

10.9.3 Potential impact during the construction phase will be from ground disturbance through excavation and the provision of a large basement area, groundworks and movement of machines and storage of material on site. In absence of mitigation measures significant impacts on potential buried archaeological remains within the site could be caused during the construction phase. This would be a direct negative and permanent impact.

10.9.4 No potential impacts are identified during the operational phase as it is anticipated that issues of archaeological and cultural heritage interest will have been resolved prior to or during the construction phase.

10.9.5 No features of archaeological significance have been identified on site to date and no cumulative impacts are identified. If features of archaeological significance are uncovered during construction cumulative impact may occur.

- 10.9.6 Mitigation measures are provided including archaeological monitoring by a qualified archaeologist during construction (archaeological monitoring condition attached to grant of permission).
- 10.9.7 No residual impacts are anticipated, but may occur in the event of uncovering features or material of archaeological significance. The level of detail regarding the archaeological characteristics of the site is sufficient to determine that the site is not of significant archaeological potential and that potential for impact is low. I would consider that the implementation of archaeological monitoring on site is sufficient in terms of mitigation and will allow appropriate response in the case of archaeological material being uncovered.
- 10.9.8 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.
- 10.9.9 Architectural Heritage: Chapter 7 of the submitted EIAR addresses Architectural Heritage. The appendix of this section includes an Appraisal of Architectural Significance, Photographic Record and Chronological Drawings of Existing Building Range of the existing structures on site. The methodology for assessment is described and the receiving environment is described.
- 10.9.10 The site includes a number of existing structures dating from the late 18th century through to the mid-20th century formerly in institutional use and now vacant since 2019. It is proposed to retain two buildings, Tabor House and the Chapel with both dating from the late 19th centuries. It is also intended to retain and modify extant early boundary walls onto Sandford and Milltown Roads, together with the entrance at Sandford Road. Demolition of all other structures on site is proposed and such includes Milltown Park House, Finlay Wing, Archive Building and Linking Block. None of the existing structures are on the record of protected structures with Table 7.3.1 of the EIAR outlining protected structures within the surrounding area with the

nearest to the site located along Sandford (four dwellings to the north on the opposite side of the road) and Clonkeagh Road (row of dwellings, one with a side boundary along Milltown Road opposite the site). The Belmont Avenue/Mount Eden Road & Environs, Architectural Conservation Area is located to the east of the site.

10.9.11 Appeal submission and observations raise concerns regarding the lack of retention of more of the existing structures on site in terms of architectural heritage and the impact of the development on the setting of existing residential areas adjoining the site zoned Z2 Residential (Conservation Area), the nearby ACA and protected structure in the vicinity.

10.9.12 Each building within the site is illustrated, classified and assessed for architectural significance. Those buildings to be removed are considered to be greatly changed over time and beyond effective retention and reuse. The Chapel and Tabor House are considered to be worth saving and have been integrated into the overall design of the scheme. There are alterations of the existing roadside boundary wall with provision of a new vehicular and pedestrian access points off Milltown Road and provision of pedestrian entrance either side of the existing vehicular entrance off Sandford Road and replacement of a section of stone wall along Milltown Road up to the junction with a low wall and railings.

10.9.13 The impact of the proposed development for the Belmont Avenue/Mount Eden Road & Environs, Architectural Conservation Area (ACA) and impacts to protected structures in the vicinity is examined in the EIAR. In terms of the structures on site that are to be retained and used for community and cultural purposes, internal interventions are required to achieve new functions. There is no significant predicted impacts for protected structures in the vicinity of the site as the proposal does not materially impact protected structures by way of encroachment or obstruction. The development may be visible from the setting of protected structures at St. James's Terrace and on Sandford Road, but does not effect their setting or their character. Views of the proposed scheme from the ACA are negligible. There are positive impacts with benefit derived from the provision of accessible parkland in proximity to the ACA and the improved setting of Tabor House and the Chapel to be retained on

site. In terms of impact the proposal entails no demolition or alteration of any existing protected structures with no protected structures on site.

10.9.14 Mitigation measures proposed in regards to architectural heritage include construction management measures, additional screening in terms of enhanced planting to minimise visual impact in the surrounding area. I am satisfied that the proposed development has no impact on any structures of significant architectural heritage value with no protected structures on site or structures on the National Inventory of Architectural Heritage on site. The proposal entails refurbishment and reuse of a number of existing structures whose setting will be improved.

10.9.15 I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of the proposed scheme. I am satisfied that Cultural Heritage – 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 are likely to arise.

10.9.16 Landscape: Chapter 9 outlines landscape and the visual impacts that would arise from the development. 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 suburban environs of the site from an urban design and planning context in the planning assessment of my report. The EIAR states that the character of the site environs is mixed, with a distinct difference in townscape character between the Sandford Road area to the north, and the Milltown Road area to the south and east. The site does not include any protected structures. The site is not covered by any Conservation Area (CA) or Architectural Conservation Area (ACA) designation. There are numerous protected structures in the immediate environs, and the Belmont Avenue/Mount Eden Road ACA extends to within 40m of the site on the opposite side of Sandford Road from the site's main entrance. There are no views or prospects identified for protection in the site's receiving environment. The site contains amenity grassland, mature trees and woodland area, it is proposed to remove 283 trees and retain 121 trees.

- 10.9.17 Appeal submission and observations have highlighted strong concerns about the negative visual impact of the development, particularly when compared to the existing scale of residential development in the vicinity. The scale and height of the proposed development is criticised and the loss of so many trees is seen as an environmental issue.
- 10.9.18 This section of the EIAR includes a landscape and visual impact assessment with the methodology set out including assessment of townscape sensitivity, magnitude of townscape change, significance of effects, viewpoint/visual receptor sensitivity, magnitude of visual change and significance of visual effects. 22 viewpoints within the development the site and surrounding area have been used and CGI's/photomontages/visualisations have been provided to illustrate visual impact. Assessment of potential visual effects from the various viewpoints in the intervening area are outlined under Table 9.9.
- 10.9.19 Construction phase impact will be incremental growth of structures with an indirect effect and magnitude of change classified as medium-high but temporary. The visual effects are moderate, negative but short term and reduce in significance with increased distance from the site.
- 10.9.20 Operational phase impact will be a visible change in the extent and scale of structures on site. Most viewpoints in the area are classified as medium sensitivity with a number of viewpoints classified as of minimum-high/high sensitivity (the ACA and Norwood Park). Table 9.9 outlines the assessment visual effects.
- 10.9.21 Mitigation measures during construction include tree retention/protection measures, construction management measures including hoardings. Mitigation meuares during the operational phase include location of lower buildings adjoining the western boundary, tree retention and landscaping, setback form roadside boundaries, retention of Tabor House and the Chapel and use of high quality materials.

10.9.22 Residual impact of implementation of the mitigation measures is estimated to reduce visual impact. I have given consideration to third party objections in relation to negative visual impact, however I am of the view that the EIAR appropriately describes the magnitude of visual effect of the development in the surrounding area. While the proposal will entail a visible change in the scale of structures on site the layout and design including provision of lower structures adjacent the site boundaries and existing development, the high level of setback from roadside boundaries and the level of open space and retaining existing trees/new planting on site render the proposal satisfactory in terms of impact on landscape and magnitude of effect will be not significant. In addition the site is within an existing urban area and zoned for urban development.

10.9.23 I am satisfied that the identified impacts would be avoided, managed and mitigated by the measures which form part of the proposed scheme. I am satisfied that landscape 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.

10.9.24 Material Assets – Waste Management: Chapter 14 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 14.1 of the EIAR.

10.9.25 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 c.74,000 m³ and c. 80,000 m³ of material will need to be excavated to do so. Most of this material will be removed offsite with c. 10,000 m³ of material expected to be kept for onsite reuse. 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. In absence of mitigation impact would be indirect, short-term significant and negative. Adherence to mitigation measures outlined in Section 14.6 of the EIAR would ensure that the predicted effect on the environment would be short-term, imperceptible and neutral.

10.9.26 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 14.6 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 EMR Waste Management Plan 2015 – 2021, Waste Action Plan for a Circular Economy – Waste Management Policy in Ireland and the DCC waste bye-laws. It will also ensure optimum levels of waste reduction, reuse, recycling and recovery are achieved.

10.9.27 Assuming the full and proper implementation of the mitigation measures set out in the EIAR, and, in the RWMP (Appendix 14.1), no likely significant negative effects are predicted to occur as a result of the construction or operational of the proposed development.

10.9.28 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.

10.9.29 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

material assets (Waste). With regard to cumulative impacts, no significant cumulative impacts are anticipated.

10.9.30 Material Assets – Utilities: Chapter 16 of the EIAR deals with Material Assets – Site Services. The methodology for assessment is described as well as the receiving environment including existing infrastructure and utilities services are described. An Infrastructure Design Report was submitted with the application which addresses the impact of the development on the public water, foul water and drainage systems.

10.9.31 Impacts are considered in relation to water supply, foul and surface water drainage, gas and telecommunications and the electrical network. The EIAR states that demand from the proposed development during the operational phase is not predicted to impact on the existing power, gas and telecoms networks. In addition, the applicant has prepared a Telecommunications Report that sets out to provide a specific assessment that the proposal allows for the retention of important Telecommunication Channels such as microwave links, to satisfy the criteria of Section 3.2 of the Building Height Guidelines (2018). The report assesses what impact the proposed development may have on the cellular phone network in the area. The report finds no interruption to signals and that the taller element of the scheme could facilitate telecoms infrastructure subject to planning consent at some time in the future.

10.9.32 I consider that some cumulative effects may arise from the proposed development together with existing and permitted developments, however these would be avoided, managed and mitigated by the measures which form part of the proposed development and through suitable conditions.

10.9.33 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 asset-site services 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.

10.9.34 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 material assets (utilities).

10.10 Interactions and Cumulative Effects

10.10.1 Chapter 19 addresses interactions and highlights those interactions which are considered to potentially be of a significant nature and Table 19.1 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.

10.10.2 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.

10.10.3 Cumulative Impact: Each individual chapter provides an assessment of the cumulative impact of the development.

10.10.4 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 accumulation 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.

10.10.5 Each individual chapter provides details summary of mitigation measures with Chapter 20 providing a summary of mitigation measures and monitoring.

10.11 Reasoned Conclusion on the Significant Effects

10.11.1 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 institutional lands 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 including implementation of Construction and Environmental Management Plans.
- Potential effects on air during construction which will be mitigated by a dust management plan including a monitoring programme.
- Biodiversity impacts mitigated by retention of trees, additional planting/landscaping/woodland management, bat, bird box and swift brick schemes, additional surveys and monitoring pre and during construction, 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.
- Construction traffic impacts mitigated by the management of construction traffic by way of Construction and Environmental Management Plans.
- Archaeology and Architectural Heritage would be mitigated by archaeological monitoring during construction. 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.

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

11.1. I recommend that permission be granted subject to the conditions outlined below.

12.0 Reasons and Considerations

11.1 Having regard to

(a) the site's location on lands with a zoning objectives Z12, and objective provisions in the Dublin City County Development Plan 2022 - 2028 in respect of residential development,

(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, would be acceptable in terms of traffic and pedestrian safety and convenience, and be in compliance with the policies and objectives of the Dublin City Development Plan 2022-2028. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.2 **Appropriate Assessment (AA)**

11.2.1 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 within a suitably zoned and adequately serviced urban site, the Natura Impact Statement submitted with the application, the Inspector's Report, and submissions on file.

11.2.2 In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other developments 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.

11.3 Environmental Impact Assessment

11.3.1 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.

11.4 Reasoned Conclusions on the Significant Effects

11.4.1 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:

- 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 institutional lands 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 including implementation of Construction and Environmental Management Plans.
- Potential effects on air during construction which will be mitigated by a dust management plan including a monitoring programme.
- Biodiversity impacts mitigated by retention of trees, additional planting/landscaping/woodland management, bat, bird box and swift brick schemes, additional surveys and monitoring pre and during construction, 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.

- Construction traffic impacts mitigated by the management of construction traffic by way of Construction and Environmental Management Plans.
- Archaeology and Architectural Heritage would be mitigated by archaeological monitoring during construction. 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.

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.

11.5 Conclusions on Proper Planning and Sustainable Development

- 11.5.1 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, a reasonable walking distance of services and amenities, and access to public transport. 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, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the Planning Authority, the developer shall agree such details in writing with the Planning Authority prior to commencement of development, or as otherwise stipulated by conditions hereunder, and the development shall be carried out and completed in accordance with the agreed particulars. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of clarity.

2. The mitigation and monitoring measures outlined in Chapter 20 of the Environmental Impact Assessment Report (EIAR) submitted with this application, shall be carried out in full, except where otherwise required by conditions attached to this permission.

Reason: To protect the environment.

3. Details of the materials, colours and textures of all the external finishes to the proposed building shall be as submitted with the application, unless otherwise

agreed in writing with, the Planning Authority prior to commencement of development. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of visual amenity.

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

Reason: In the interest of urban legibility.

5. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through the communal open spaces, details of which shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development/installation of lighting. Such lighting shall be provided prior to the making available for occupation of any apartment unit and shall have regard to impact in terms of biodiversity including bats.

Reason: In the interests of amenity and public safety.

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

Reason: In the interests of visual and residential amenity.

7. The streets that are constructed and/or completed on foot of this permission shall comply with the standards and specifications set out in of the Design Manual for Urban Roads and Streets (DMURS) issued in 2019. All streets shall be local streets as set out in section 3.2.1 of DMURS whose carriageway shall not exceed 5.5 metres in width. Where perpendicular parking is provided on those streets the additional width required for vehicles to manoeuvre shall be incorporated into the spaces in accordance with figure 4.82 of DMURS.

Reason: In the interests of road safety and to ensure that the streets in the authorised development facilitate movement by sustainable transport modes in accordance with the applicable standards set out in DMURS

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

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

9. A minimum of 10% of all 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. The car parking spaces for sole use of the car sharing club shall also be provided with functioning EV charging stations/ points.

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

10. a) Prior to the opening/occupation of the development, 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 and carpooling by residents/occupants/staff employed in the development and to reduce and regulate the extent of parking. The mobility strategy shall be prepared and implemented by the management company for all units within the development.

b) The Mobility Management Strategy shall incorporate a Car Parking Management Strategy for the overall development, which shall address the management and assignment of car spaces to residents and uses over time and shall include a strategy any car-share parking. Car parking spaces shall not be sold with units but shall be assigned and managed in a separate capacity via leasing or permit arrangements. Reason: In the interest of encouraging the use of sustainable modes of transport, traffic and pedestrian safety.

11. The level of bicycle parking spaces specified (1391) spaces shall be provided within the site. Details of the layout, marking demarcation and security provisions for these spaces shall be as submitted with this application, unless otherwise agreed in writing with, the planning authority prior to commencement of development.

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

12. The developer shall enter into water and waste water connection agreement(s) with Uisce Eireann, prior to commencement of development.

Reason: In the interest of public health.

13. Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. Prior to commencement of development the developer shall submit to the planning authority for written agreement a Stage 2 - Detailed Design Stage Storm Water Audit. Upon Completion of the development, a Stage 3 Completion Stormwater Audit to demonstrate Sustainable Urban Drainage System measures have been installed, and are working as designed and that there has been no misconnections or damage to storm water drainage infrastructure during construction, shall be submitted to the planning authority for written agreement.

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

14. The site shall be landscaped (and earthworks carried out) in accordance with the detailed comprehensive scheme of landscaping, which accompanied the application submitted, unless otherwise agreed in writing with, the Planning Authority prior to commencement of development.

Reason: In the interest of residential and visual amenity.

15. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Saturdays inclusive, 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.

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

developer shall -

(a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,

(b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and

(c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

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

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

17. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities for each apartment unit shall be submitted to, and agreed in writing with, the planning authority not later than six months from the date of commencement of the development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: In the interest of residential amenity, and to ensure the provision of adequate refuse storage.

18. 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. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

19. The construction of the development shall be managed in accordance with a Construction 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) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
- b) Location of areas for construction site offices and staff facilities;
- c) Details of site security fencing and hoardings;
- d) Details of on-site car parking facilities for site workers during the course of construction;
- e) 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;
- f) Measures to obviate queuing of construction traffic on the adjoining road network;
- g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;

- h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
- i) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- j) 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;
- k) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- l) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.
- m) A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.
- o) alternative arrangements to be put in place for pedestrians, cyclists and vehicles in the case of the closure of any public road or footpath during the course of site development works.

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

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

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

21. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the local authority in the event of the development being taken in charge. Detailed proposals in this regard shall be submitted to, and agreed in writing with, the planning authority prior to occupation of the development.

Reason: To ensure the satisfactory completion and maintenance of this development.

22. Prior to the commencement of development the developer shall agree in writing a strategy for ensuring that that the public open space area designated on site and intended to be accessible to the public is maintained appropriately as an publicly accessible space.

Reason: In the interests of orderly development and to comply with Development Plan policy.

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

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

24. 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 for Dublin City Council 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 Development Contribution Scheme made under section 48 of the Act be applied to the permission.

25. 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 reinstatement of public roads which may be damaged by the transport of materials to the site, to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, 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 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 of the development.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has

influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Colin McBride
Senior Planning Inspector

20th November 2023

