



An  
Bord  
Pleanála

## Inspector's Report

### ABP-318075-23

<b>Development</b>	Demolition of all structures on the site and site clearance works. Construction of 96 apartments in two blocks and 10 duplex units.
<b>Location</b>	Quadrant House, Chapelizod Road and including the adjoining site known as 2B Chapelizod Village (rear of 2 Mullingar Terrace), Chapelizod, Dublin 20
<b>Planning Authority</b>	Dublin City Council.
<b>Planning Authority Reg. Ref.</b>	LRD6005/23-S3
<b>Applicant(s)</b>	Linders of Smithfield Limited
<b>Type of Application</b>	Large - Scale Residential Development (LRD)
<b>Planning Authority Decision</b>	Grant subject to conditions.
<b>Type of Appeal</b>	Third Parties V Grant
<b>Appellant(s)</b>	<ol style="list-style-type: none"><li>1. Chapelizod Tidy Towns</li><li>2. Chapelizod Residents Association</li><li>3. Friends of the Phoenix Park CLG</li></ol>

4. The Residents of Number 1,3,4,5,6  
Mullingar Terrace

**Observer(s)**

None

**Date of Site Inspection**

6<sup>th</sup> November 2023

**Inspector**

Irené McCormack

## **1.0 Site Location and Description**

- 1.1.1. The appeal site is situated on the northern side of Chapelizod Road, 6 km west of Dublin City centre. The site has a stated site area of 0.6ha with road frontage extending to 75m.
- 1.1.2. The site is bounded by Chapelizod Road to the south, residential developments along its western boundary and Phoenix Park to the North. The site within 150m of Chapelizod village centre and has pedestrian access along the Chapelizod Road that provides connectivity to the Liffey Valley Park to the East; Phoenix Park to the north and west; and the Liffey tow path to the South.
- 1.1.3. The site contains commercial buildings, including an existing car showroom and garage (known as 'Linder's'). There is a former childcare facility that ceased operating from the site that was known as 'Magic Moments'. The existing on-site commercial operations benefit from two vehicular access points off the R109 (Chapelizod Road).
- 1.1.4. The general area is characterised by a mix of commercial and residential uses. 'The Mullingar House' pub occupies the corner at the main junction towards the village centre with a series of terraced townhouses of 2-storey height to the east thereof and abutting the site to the west (known as Mullingar Terrace). The adjoining site to the east of the site is currently under construction and is being redeveloped to provide 71 no. apartments arranged in six blocks with associated parking and site amenity space, and a new Scout/Community Hall.
- 1.1.5. A small section at the south-east corner of the site is in third party ownership (JC Decaux). It is proposed to include this area of public realm and landscaping along the Chapelizod Road frontage to improve the interface of the proposed development with the surrounding public realm along Chapelizod Road. A strip of land along the Chapelizod Road frontage in the ownership of DCC is also included within the application boundary.

## **2.0 Proposed Development**

- 2.1.1. The development which is the subject of the current LRD appeal comprises:
  - the demolition of all structures on the site and site clearance works (including the felling of 6 no. trees)

- the construction of 2 no. apartment blocks (Blocks A and B) providing 96 no. apartments (comprising 6 x Studios; 28 x 1 Beds; 47 x 2 Beds and 15 x 3 Beds) and one Duplex block (Block C) providing 10 no. Duplex units (7 x 2 Beds and 3 x 3 Beds).
- internal communal, ancillary residential services / amenities to include a resident's gym (approx. 297 sq.m) at basement level (beneath Block B) and a concierge and amenity space, including a publicly accessible coffee dock / café plus shared / communal workspace at ground floor level within Block B (totally 121.3 sq.m).
- associated site works, including soft landscaped open spaces and ancillary services and infrastructure.
- provision is also made for waste storage areas, plant rooms and water attenuation tank and all associated site works.

2.1.2. The apartments are arranged in 2 no. blocks (Blocks A and B) that vary in height from 3-storeys to part 5-storeys. The duplex units are contained in a 3-storey block (Block C) that fronts Chapelizod Road. Vehicular access to the basement level car park is off Chapelizod Road.

2.1.3. The application includes an NIS.

## 2.2. Development Parameters:

Proposed Development			
Site Area	0.6ha.		
No. of Units	The development includes a total of 10 no. townhouses / duplex units and 96 no. apartments are provided that are arranged in 3 no. blocks.		
	Description	Quantity	Mix %
	Studios	6	5.7%
	1 Bed Apartments	28	26.4%
	2 Bed Apartments	47	44.3%
	3 Bed Apartments	15	14.2%
	2 Bed Duplex	7	6.6%
	3 Bed Duplex	3	2.8%
<b>TOTAL</b>	<b>106</b>	<b>100</b>	
Building Height	Scheme arranged in 3 no. blocks that vary in height:		

	<p>Block A - Part 4, Part 5 storeys over basement level.</p> <p>Block B - Part 3, Part 5 storeys over basement level.</p> <p>Block C – 3 storeys over basement level.</p>
Dual Aspect	A total of 56 no. units or (52.8% of the total) are provided as dual aspect units.
Demolition	Demolition of existing structure on site – total GFA – 3730sqm
Density	172 u/ha.
Plot Ratio	1.52
Site Coverage	43.8%
Public and Communal Open Space	<p>A publicly accessible plaza space of approximately 287 sq.m. is located to the front of the site. (5% of site)</p> <p>884sqm - The primary communal courtyard space extends to approximately 432 sq.m in area. In addition, two rooftop open spaces are provided at Block A (170 sq.m) and at Block B (282 sq.m).</p> <p>In addition, a small semi-private space that will mainly serve the 4 no. ground floor units within Block A is provided to the west of Block A measuring approximately 95 sq.m in area.</p>
Resident Amenities	The proposed scheme includes a Gym at basement level beneath Block B (297 sq.m) and Concierge / Coffee Dock and Co-working areas (totalling 121.3 sq.m) at the southern end of Block B at ground floor level.
Car Parking	<p>84 no. car parking spaces, including 4 no. disabled spaces (5% of total)</p> <p>8 visitor spaces and 2 no. car share / car-club spaces.</p> <p>7 no. motorcycle spaces</p>
Cycle Parking	<p>276 no. bicycle storage spaces (double stackers) and 4 no. cargo bike spaces are provided at basement level.</p> <p>At ground level provision is made for a further 34 no. standard bicycle parking spaces and 4 no. cargo bike spaces.</p>
Part V	22 no. units or 20.8% of the total no. of units proposed

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

- Planning Report and Statement of Consistency
- Statement of Response to DCC LRD Opinion
- Environmental Impact Assessment Screening Report
- Article 103 Statement of Environmental Effects
- Architectural Design Report (including Part V Proposal) and Appendices to Design Report
- Housing Quality Assessment
- Landscape Design Statement
- A3 Booklet of Verified Photomontages
- Climate Action and Energy Statement
- Lighting Report and accompanying Drawing
- Social Infrastructure Audit
- Arboricultural Assessment and Arboricultural Impact Report
- Ecological Impact Assessment
- Screening for Appropriate Assessment and Natura Impact Statement
- Building Lifecycle Report
- Property Management Strategy Report
- Universal Access Statement
- Architectural Heritage Impact Assessment
- Daylight Impact Assessment
- Archaeological Impact Assessment
- Construction Phase Environmental Management Plan
- Noise Impact Assessment
- Operational Waste Management Plan
- Resource Waste Management Plan
- Engineering Drawings
- Engineering Services Report,
- Site Specific Flood Risk Assessment
- Mobility Management Plan,
- Parking Management Strategy
- Stage 1 Road Safety Audit
- Traffic and Transport Assessment
- Basement Impact Assessment

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

3.1.1. A section 32 Consultation Meeting took place on the 19<sup>th</sup> of January 2023 with representatives of the applicant and planning authority in attendance.

A Large-Scale Residential Development (LRD) Opinion issued and set out that the documentation submitted constituted a reasonable basis for an application for permission for the proposed LRD under Section 34 of the Act.

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

3.1.2. The items raised in the LRD Opinion included:

1. Documents to accompany the application in accordance with Dublin City Development Plan 2022-2028
2. Residential Amenity (existing and proposed)
3. Traffic and Transportation Issues
4. Surface Water Management, Flood Risk & Foul Drainage
5. Landscape and Biodiversity

### **4.0 Planning Authority Decision**

#### **Decision**

Dublin City Council issued a decision to grant permission subject to 30 no. conditions.

#### **4.1. Planning Authority Reports**

##### **4.1.1. Planning Reports**

###### Planner Report (31<sup>st</sup> August 2023)

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

The recommendation within the report of the Planning Officer reflects the decision of the Planning Authority and can be summarised as follows:

###### Zoning

The proposed development is consistent with the Z1 land-use zoning objectives for the site.

#### Design and Layout

Regarding the design and layout of the proposal and having regard to the infill nature of the site, the Planning Authority has no objection in principle to the approach used.

#### Density, Site Coverage, Plot Coverage

Having assessed the scheme's density, which is high, and considering its location as well as having regard to the performance criteria set down in Table 3 of Appendix 3.4.1 of the city development plan, it is considered that the scheme succeeds in the quality requirements in terms of quality of materials, open space layout and provision and improvements to the public realm.

#### Height and Visual Impact

Having regard to the relevant considerations set out in the City Plan relating to increased density and height, the performance criteria set out in Table 3 of Appendix 3 of the City Plan is complied with.

The accompanying reports address the potential impact of the proposed amendments on existing and proposed residential amenities which support the proposal.

#### Housing Quality Assessment

*Mix* - compliant with the City Plan requirements and Policy SC12 of the City Development Plan.

*Floor Areas* - All units meet the minimum floor area standards provided for in SPPR 3 of the Apartment Guidelines.

*Dual Aspect* - 56 no. units or (52.8% of the total) are provided as dual aspect units.

*Private Amenity Space* - Unit No's 10, 11, 12 and 13 at ground floor level within Block A have not been provided with private amenity space in the form of either a private patio/terrace or a balcony/roof terrace. A 95 sq.m of semi-private amenity space is proposed in lieu of this requirement. It is accepted that the use of the semi-private amenity space will be limited to four households.

*Communal Facilities* - The proposed development would require a minimum total communal open space area of 704 sq.m (including the four units within Block A which



will benefit from a semi-private amenity space. The proposed site layout and Housing Quality Assessment Indicates that 884 sq.m of communal open space is provided.

*Public Open space - Financial contribution in lieu acceptable.*

### Opinion Stage issues

#### *Residential Amenity*

- Overall, it is considered that the proposed development substantially conforms to daylight and sunlight guidelines.
- Overlooking and Separation distance considered acceptable.
- Community & Social Audit analysis has adequately demonstrated that there is sufficient social infrastructure, educational and childcare infrastructure within the locality with capacity to accommodate the demand generated by the subject proposal.

#### *Traffic Access, Parking, Construction Management.*

- No objection subject to compliance with conditions

#### Conclusion

Subject to compliance with the conditions set out, it is considered that the proposed development would be consistent with the proper planning and sustainable development of the area.

The planning authority decision to grant of permission subject to 30 no. conditions. These are broadly standard in nature. Conditions of note include:

- **No. 2.** Refers to development contribution.
- **No 4.** Refers to Bond.
- **No. 3.** Refers to contribution in lieu of public open space.
- **No. 5.** Stipulates the applicant enter into an agreement in accordance with section 47 of the Planning and Development Act 2000 (as amended), that restricts all houses and duplex units permitted, to first occupation by individual purchasers i.e. those not being a corporate entity...
- **No. 6.** Refers to Part V
- **No. 12.** Sets out the requirements of the Transportation Planning Division of DCC.

- **No. 20.** States - Prior to the commencement of development, the applicant shall (a) delineate on a map those areas which are to be taken in charge for written agreement of the Planning Authority (b) submit details of the management of community facility.
- **No. 25.** States - Prior to commencement of works, the developer shall submit documentation prepared by a suitably qualified person addressing whether there is any invasive species on the site.
- **No. 26** Relates to biodiversity mitigation and monitoring shall be carried out in accordance with the submitted Natura Impact Statement.
- **No. 27** Relates to archaeology requirements.
- **No. 28.** Re: requirements to comply with Codes of Practice form the Drainage Division

#### **4.2. Other Technical Reports**

##### **Internal departmental reports:**

**Transportation Planning Division** (23<sup>rd</sup> August 2023). No objection subject to conditions.

**Engineering Department - Drainage Division** (25<sup>th</sup> August 2023). No objection subject to conditions.

**Environmental Health Officer** (10<sup>th</sup> August 2023). No objection subject to conditions

**Archaeology Section** (9<sup>th</sup> August 2023). No objection subject to conditions.

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

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

**Irish Water:** No report received.

**An Taisce:** No report received.

**The Heritage Council:** No report received.

**An Chomhairle Ealaíon:** No report received.

**Dept Housing, Local Government and Heritage** – Report dated 14<sup>th</sup> August 2023 sets out no objection subject to conditions.

**Fáilte Ireland:** No report received.

**NTA:** Report dated 10th July 2023 includes the following recommendations:

- The NTA recommends that the cycle and car parking is re-examined with a view to providing stands in the secure basement areas which cater more amenable to those with heavier bicycles and e-bikes, with the Development Plan standard total as a minimum.
- The NTA recommends that, in assessing the proposed development, the local authority takes into account the potential requirement for a bus stop at this site.

**Dept. of Arts, Heritage & The Gaeltacht:** No report received.

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

A number of submissions were made from local residents and local resident groups.

Issues raised in the submissions included inter alia the following:

- Obstruction and damage to laneway
- Residential Amenity - Loss of Privacy, loss of light, overlooking etc.
- Damage to property
- Lack of facilities in the area i.e., schools and shops, particular concerns raised about childcare provision and lack thereof.
- Traffic and Transportation
- Impact on Architectural Heritage/ACA
- Capacity of infrastructure to accommodate development.
- Development offers no public realm space. Lack of public open space
- Accuracy of drawings
- Inappropriate density
- Design concerns
- 5 storey block is too high.
- Water pollution of River Liffey
- Removal of trees

#### **5.0 Planning History**

##### Site

**ABP Reg. Ref. 310800-21** – The proposed development the subject of this application was previously subjected to pre application consultation under the Strategic Housing Development (SHD) procedures during the course of 2021. An initial pre-application

consultation with DCC was undertaken on 23 November 2020. Subsequently, a request for consultation under Section 5 of the 2016 Act was submitted to An Bord Pleanála (ABP) on 12 July 2021 and a Tripartite consultation meeting with ABP and DCC was held on 20 September 2021 (ABP Ref. 310800-21) based on a proposed development that comprised of a part 5- and part 8-storey development for 131 no. apartments and associated site works. An Bord Pleanála issued an Opinion dated 6 October 2021 in relation to 15 items including justification and/or detail in relation to the arrangement of the proposed 8 storey building on the site.

**DCC Reg. Ref. WEB1122/19/ ABP Ref. PL29S.305797** – Permission granted on 23rd December 2019 for the construction of a house at site known as 2B, Chapelizod Village, (rear 2 Mullingar Terrace), Chapelizod, Dublin 20.

**DCC Reg. Ref. 3946/19** - On 29 January 2020, DCC granted permission for the continuance of use of the crèche as per approved planning Ref. No. 2295/14 and retention of additional area in the facility for change of use as a crèche / Montessori school, with revised car parking layout, using existing pedestrian & vehicular entrances from Chapelizod Road.

**DCC Reg. Ref. 2295/14** - On 15 July 2014, DCC granted permission for a change of use from existing office use to crèche use including fenestration alterations to the front elevation, new signage, provision of new entrance ramp to the main front entrance and new fire escape ramp to the side entrance with new door in existing wall, construction of new boundary walls to sides, new secure play area to the front of the building with associated fence and gate, revised parking layout, and all associated internal alterations and site works. The development will use the existing pedestrian and vehicular entrance from Chapelizod Road.

**DCC Reg. Ref. 3133/01** - On 24 January 2002, DCC granted permission for the refurbishment of the existing front facade to office/showroom building facing public road to include installation of glazing, aluminium cladding and entrance canopy.

Immediately adjoining the site to the east

**DCC Reg. Ref. 3515/19** - On 7 October 2019 DCC approved a Part 8 Housing Scheme (by Dublin City Council Housing & Community Services). The development comprise **71 No. apartments arranged in six blocks** (ranging in height from 3-5 storeys) with associated parking and site amenity space as well as a new Scout/ Community Hall at Springvale, Chapelizod Road, Dublin 20.

To the west of the site

**DCC Reg. Ref. 2271/21/ABP PL29S.3102422** – Permission refused on 21<sup>st</sup> December 2019 for construction of a single residential unit to the rear of No. 7 and 8 Mullingar Terrace, Chapelizod, Dublin 20.

To the South of the Site

**ABP Reg. Ref. 313320-22** - Permission granted on 16/11/2022 for the demolition of the former national school, existing buildings on site, the rear return of the Protected Structure, construction of 927 no. apartments, creche and all associated site works on the grounds of the former De La Salle National School, Ballyfermot Road, Ballyfermot, Dublin 10. ([www.delasalleshd.ie](http://www.delasalleshd.ie)).

To the Southwest of the Site

**DCC Reg. Ref. 3221/18** -Permission granted on 9/11/2018 for revision to a previously permitted mixed-use residential development (previously granted under Reg. Ref. 2869/17; ABP Ref. PL29S248958) for a ' build to rent' scheme of 174 no. residential unit on Lands at the former Faulkners Industries Factory, Chapelizod Hill Road, Chapelizod, Dublin 20; ' Beann', 38 Chapelizod Hill Road, Chapelizod, Dublin 20 and' Clarevill' 38D Chapelizod Hill Road Dublin 20.

## **6.0 Policy Context**

### **6.1. National**

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

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

Of note National Strategic Outcome 1 (Compact Growth), sets out the focus on pursuing a compact growth policy at national, regional, and local level.

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

The government's housing plan to 2030. It is a multi-annual, multi-billion-euro plan which aims to improve Ireland's housing system and deliver more homes of all types for people with different housing needs.

#### **Climate Action Plan, 2023.**

Implements carbon budgets and sectoral emissions ceilings and sets a roadmap for

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

### **Section 28 Ministerial Guidelines**

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

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, including the associated Urban Design Manual (2009) (the 'Sustainable Residential Development Guidelines').
- Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2023) (the 'Apartment Guidelines').
- Urban Development and Building Height, Guidelines for Planning Authorities (2018) (the 'Building Height Guidelines').
- Architectural Heritage Protection Guidelines for Planning Authorities Department of Arts, Heritage, Gaeltacht 2011
- Framework and Principles for the Protection of the Archaeological Heritage Department of Arts, Heritage, Gaeltacht and the Islands 1999.
- Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities', 2007.
- Urban Development and Building Heights – Guidelines for Planning Authorities, 2018.
- Childcare Facilities – Guidelines for Planning Authorities (2001)

### **6.2. Other**

#### **Greater Dublin Area Transport Strategy 2022-2042 (NTA)**

This sets out a framework aiming to provide a sustainable, accessible and effective transport system for the area which meets the region's climate change requirements,

serves the needs of urban and rural communities, and supports the regional economy.

### 6.3. Local

#### Dublin City Development Plan 2022-2028

The appeal site is subject to land use zoning:

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

#### Other Designations:

- Chapelizod and environs is designated as an Architectural Conservation Area (ACA). The northwestern corner of the subject site is within the ACA and the front of the site immediately adjoins Chapelizod and Environs ACA to the south.
- The site is within a Zone of Archaeological Interest. There are also a number of Recorded Monuments in the vicinity of the site.
- The site is bounded to the rear by the historic park perimeter enclosing stone wall, a protected structure (ref.6781). There are a number of other Protected Structures in the vicinity of the site.

#### **Relevant policies and standards of the Dublin City Development Plan 2022-2028 include:**

Section 2.2.3 Settlement Strategy

Section 2.2.6 Public transport.

Section 2.7.2 Active Land Management –

*CS07 Promote Delivery of Residential Development and Compact Growth* - To promote the delivery of residential development and compact growth through active land management measures and a co-ordinated approach to developing appropriately zoned lands aligned with key public transport infrastructure, including the SDRAs, vacant sites and underutilised areas.

Chapter 4 Shape and Structure of the City.

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

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 **appendix 3 to the Development Plan**.

## Chapter 5 - Quality Housing and Sustainable Neighbourhoods

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.

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.

Policy QHSN10 of the Development Plan promotes sustainable densities with due consideration for design standards and the surrounding character.

The Development Plan includes a host of policies addressing and promoting apartment developments, including policies QHSN35 -Housing and Apartment Mix, QHSN36, QHSN37, QHSN38 and QHSN39.

HSN3 (Housing Strategy & HNDA), QHSN10 (urban density), QHSNO11 (universal design), QHSN26 (High Quality Apartment Development), QHSN47(High Quality Neighbourhood and Community Facilities).

In addition, Chapter 5 outlines a range of policies and objectives aimed at promoting regeneration, urban consolidation, densification, and healthy placemaking.

Chapter 7 relates to The City Centre, Urban Villages and Retail

**CCUV43 Public Realm** - Key Urban Villages/Urban Villages - *To provide environmental and public realm improvements in Key Urban Villages and urban villages around the city through the implementation of Local Environmental Improvement Plans / Village Improvement Plans and placemaking strategies in order to support the regeneration and revitalisation of the city's urban villages....*

Chapter 11 Built Heritage and Archaeology

- Policy BHA7 and BHA9 (Conservation Areas) of the City Plan seeks to protect the special interest and character of Conservation Areas.

Other relevant sections of the Development Plan include:

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);

Section 10.5.7 – Urban Forest

GI41 - Protect Existing Trees as Part of New Development - *To protect existing trees as part of new development, particularly those that are of visual, biodiversity or amenity quality and significance. There will be a presumption in favour of retaining and safeguarding trees that make a valuable contribution to the environment.*

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.

Section 3.2 Density -As a general rule, the following density ranges and Plot Ratio standards will be supported in the city.

**Table 1: Density Ranges**

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

**Table 2: Indicative Plot Ratio and Site Coverage**

Area	Indicative Plot Ratio	Indicative Site Coverage
Central Area	2.5-3.0	60-90%
Regeneration Area	1.5-3.0	50-60%
Conservation Area	1.5-2.0	45-50%
Outer Employment and Residential Area	1.0-2.5	45-60%

Appendix 5 Transport and Mobility: Technical Requirements

Appendix 16 Sunlight and Day Light.

#### **6.4. Natural Heritage Designations**

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

### **7.0 The Appeal**

#### **Grounds of Appeal – Third Parties**

Four no. third party appeals have been received in respect of Dublin City Council's recommended decision to grant permission from:

1. Chapelizod Residents Association, 55 Laurence Road, Chapelizod, Dublin 20.
2. Chapelizod Tidy Towns, C/o Cathy Norris, 693 Lucan Road, Chapelizod, Dublin 20.
3. Friends of the Phoenix Park CLG, 6 Belgrove Park, Chapelizod, Dublin 20.
4. The Residents of Numbers 1,3,4,5,6 Mullingar Terrace, C/o Mildred Healy, 4 Mullingar Terrace, Chapelizod, Dublin 20.

There is overlap between the grounds of appeal raised by appellants, for clarity I have combined the submissions. The grounds of appeal are summarised as follows:

#### Built Heritage

- Concerns that overdevelopment of the area will destroy the village character.
- Despite the ACA designation the distinct urban character of the village is being ruined by inappropriate and unsympathetic building developments.
- Development contrary to BHA7 – Architectural Conservation Areas.
- The bulk/massing and density of the development at the entrance to the village detracts from the built heritage including the adjacent Mullingar Terrace.

#### Residential Amenity

- Block A will overlook the neighbouring homes on Mullingar Terrace.
- The 4-storey section of Block A will extend the full length of the western site boundary with Mullingar Terrace and will have implications for light. No. 2 and Milenda Cottage will be in shade for most of the day.
- Adequate daylight testing has not been carried out.
- Concerns also about the impact on the resident of Milenda Cottage, 1 Chapelizod Road. This property has not been clearly identified as a separate dwelling in the planning documents submitted. The property will be cast in constant shadow by the development and overlooked by five storey balconies.

#### Community and Social Audit

- Regarding the Community and Social Infrastructure Audit submitted it is set out that site does not benefit from good accessibility or public transport.
- There are no second level schools in Chapelizod. 70% of second level students attend school in Lucan and Kildare. Bus services do not lend to attending schools.
- There are two national schools in the area. It is set out that national school capacity would need to be increased by 2.5 -3 times to cater for the projected population increase.
- The claim that the development will generate a demand for 3 to 7 additional childcare places strains credibility. In accordance with the Childcare Guidelines on a pro rata basis that applicant should provide 28 additional childcare places.
- At capacity the development could accommodate nearly 400 people. The village lacks the services and amenities accommodate this population increase.

- One submission refers to a series of policies from Chapter 7 *The City Centre, Urban Villages and Retail* of the Development Plan relating to retail, neighbourhood centres, town centre health checks etc and sets out that the village contains three deli stores, one supermarket and a pharmacy, no garda station, no library, no post office. Any new development must include facilities/amenities to cater for this expanding community.
- The development offers no services or amenity enhancements for the village.

#### Open space/Biodiversity

- The village is constrained by the Phoenix Park wall and River Liffey valley and there is no public green space in the village. The failure to provide public open space is another lost opportunity to improve the public realm and does not address Policy CCUV 43 Public Realm of the CDP and should not be agreed.
- The 287sqm of 'public space' offers no permeability and is merely a hard surfaced pocket in front of Block B. The development is a gated community with no amenity gain.
- The six mature trees on site should be retained and concerns that the biodiversity plan lacks considered provision.
- The applicant has incorrectly answered 'No' to question d) of the supplementary form accompanying the application form in relation to the location of the development, in whole or in part within close proximity to a European site or Natural Heritage Area as the Phoenix Park with shares a site boundary with the site is a designated National Historic Park.
- There was no consultation with the OPW regarding the Phoenix Park.

#### Transport

- Chapelizod is not well served by public transport. Service is provided by a single bus as all other services are diverted along the Chapelizod By-pass.
- Planned bus station on the Chapelizod Bypass is inaccessible to mobility impaired persons.
- The area fronting the site is the most appropriate location for the provision of an eastbound bus indent which will allow for smooth flow of eastbound buses through the village and potentially restore pre Covid bus routes through the village.
- Concerns raised about overspill parking which is currently a problem even without the completion of the Springvale development nor this development.

- Concerns also raised about where builders will park. Mullingar Terrace residents concerned that the lane will be blocked during construction.
- It is set out that the site office should not be accessed from the lane and should be accessed from the other entrance to the site.

### Sewerage Infrastructure

- Chapelizod's public sewerage system dates back to Victorian times and is a combined system. A separate surface water and sewerage system required.
- The system does not have the capacity to cater for the increased population growth.
- DCC is responsible for public sewerage infrastructure, and it is noted that in failing to upgrade the water and sewerage systems Ireland is failing to implement the Water Framework Directive and the EU have lost patience with Irish Authorities and have referred Ireland to the Court of the European Union.

### Construction Works

- Concerns about the lack of information relating to demolition works.
- Fear that during construction works the right of way to the rear of Mullingar Terrace maybe blocked.
- Condition 27 re. vibration monitors welcomed as it relates to the Phoenix Park Wall. However, concerns raised about the impact on the residents of Mullingar Terrace about the effect/damage the pile driving will do to their 200-year-old houses which do not have proper foundations.
- Concerns also raised that the works could damage the main sewerage pipe for the terrace.

### Other

- The application should be declared invalid, as the development description does not include that the development consists of works to a Protected Structure (Phoenix Park Boundary Wall) or reference to ACA.
- The application is incorrect as regards quarries nearby as evident on the 1837 Map provided as part of the Architectural Design Statement.

## 7.1. First Party Response to Third Party Appeals

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

### Public Open Space

- It is set out that the proposed public plaza to the front of Block B represents 50% of the Development Plan requirements, complemented by an appropriate financial contribution towards public realm as supported by the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Area (2009) par. 4.2.1 and section 15.83.7 of the CDP.
- The site located close to the Phoenix Park and to Liffey Valley Park. Both accommodate a range of activities and provide a local area of high-quality public realm for the benefit of the residents of Chapelizod.

### Residential Amenity

#### *Sunlight /Daylight*

- All testing has been carried out in accordance with the methods detailed in the guide 'Site layout Planning for Daylight and Sunlight – A Guide to Good Practice' BRE 3<sup>rd</sup> Edition.
- It is set out that skylight access will change for some of the windows serving Milenda Cottage and no. 2 Mullingar Terrace. The magnitude of the impact is predicated to be negligible to negligible/low and within tolerable bounds.
- Regarding shadow cast on Milenda Cottage and No. 2 Mullingar Terrace the results show full conformity with BRE guidelines for both annual and winter sunlight access.

#### *Overlooking*

##### *(Mullingar Terrace and Millenda Cottage)*

- Block A is 8.6m from opposing ground floor living room windows of Milenda cottage and would be screened the proposed high level western boundary wall preventing direct overlooking.
- Overlooking from balconies of Block A - this will be minimal as the view from the balconies would be mostly of the roofs of rear extensions and outbuildings.

- The position of the balconies and bedroom windows of Block A above the east facing ground floor windows of Milenda Cottage and No. 2 Mullingar Terrace would not result in overlooking.

#### *Communal Roof Garden – Block A*

- It is set out that the level of separation coupled with the provision of screening will mitigate any potential overlooking.

#### Social and Community Audit

In response the first party submitted a response prepared by KBMG Future Analytics (Appendix C of response). The response sets out:

#### *Schools Capacity*

- KPMG Audit in April 2023 confirmed capacity of 38 primary school spaces and 80 post primary.
- The demand for school places generated by the development is not considered to adversely impact schools and, in any case, it is not the responsibility of the applicant to provide a school facility.

#### *Childcare*

- Section 5.3 of the Social and Community Audit confirmed 5 no. childcare facilities within 750m-1km of the site with a combined capacity of 200 spaces.
- The development is likely to generate a demand for no more than 20 spaces.
- Planning permission granted for 2 large schemes in the area DCC Reg. Ref. 3221/18 for 174 units and ABP 313320 for 927 units providing 24 no. spaces and 185 no. childcare spaces respectively.

#### Heritage and Conservation

- It is set out that the site context varies. The eastern approach to the site is defined by 'Springvale' 3-5 storey DCC housing development and the Church of the Nativity of the Blessed Virgin Mary both of which form a 'gateway' to the village. The historic core is made up of streets and terraces.
- The site is within the red hatched Conservation Area that covers the Phoenix Park and the River Liffey Corridor. Only a small strip of the western edge of the site falls within the ACA.

- It is set out that the design evolution was informed by the previous SHD process and LRD pre-application process.
- The development has regard to the existing townscape scale and there is sufficient capacity to accommodate and absorb the development.
- The main façade materials used in the historic core of Chapelizod are brick of a variety of colours and render of various colours and textures. The proposed external finishes are responsive to this palate of materials.
- The applicant notes condition no. 13 of the the DCC notification regarding details of external finishes will provide an appropriate mechanism to ensure the use of appropriate and high-quality materials and finishes.

#### Public Transportation

- The site is currently served by a high frequency (every 15 minutes throughout the day and every 10 minutes between 16.20 and 18.40) bus services no. 26.
- No. 26 is supplemented with late night services C5 and C6, located within an easy walking distance of the site.
- It is further set out that the emerging NTA BusConnects strategy will improve bus services, accessibility and convectively in the area.
- Regarding bus services on Chapelizod bypass being inaccessible to mobility impaired persons, it is set out that service users can use the existing local bus stop close to the site of Chapelizod Road no. 26 (proposed BusConnects Route 80) and utilise this service to access the C-Spine routes at other bus stops as recommended by the NTA BusConnects integrated strategy.
- The site is within 220m and 300m respectively (3 minutes) walk of eastbound and westbound bus stops, there is no requirement for an additional bus stop in front of the site.

#### Water Services Infrastructure

- As part of the works separate foul and surface water connections will be made to the public drainage network.
- Irish Water has assessed the foul drainage capacity in the public network and confirmed the network can accommodate the development.



### Structural Damage

- A basement Impact Assessment concluded that the predicated damage to the neighbouring properties would be in the category of '*Negligible to Slight*'.
- Appendix D of the appeal response further sets out that an Augered piling system which will provide a low noise and low vibration solution to constructing the perimeter retaining walls and internal bearing piles will be used on the site.
- Condition surveys will be offered to all residents of Mullingar Terrace immediately prior to piling works should they wish to record the conditions in advance of piling works.
- Vibration monitoring will be in place for the duration of piling works.
- Drainage infrastructure has been identified by reference to DCC records and topographical surveys and piling will not negatively impact on the existing drainage system.

### Impact on Right of Way

- Traffic management during the demolition and construction stages will be managed by a dedicated Traffic Logistics Manager (TLM) who will coordinate and manage deliveries to and from the site. Vehicular access will be centrally located along the site frontage off Chapelizod Road.
- Access to the office and welfare facilities along the western site boundary will only be accessible via foot by construction workers.
- It is set out that compliance with condition no. 12 of the DCC notification would adequately address the concerns raised by the third parties.

### Trees and Biodiversity

- It is set out that none of the six Sycamore trees present on site are worthy of retention and are of moderate to poor quality and the removal of trees is appropriately mitigated and compensated by the proposed development.
- The new trees to be planted will mature over time and enhance the existing habitat leading to a long-term positive impact.
- The site will retain its sylvan character due to the presence of the mature trees along the northern boundary within the Phoenix Park.

## Procedural Matters

- The Phoenix Park wall is acknowledged throughout the application. No works are proposed to the wall as part of the application.
- The Architectural Heritage Impact Assessment provides a detailed assessment of the scheme with respect to the relationship with Conservation Areas, Chapelized ACA and the location of nearby Protected Structures.
- The Park is not a designed European Site or pNHA.
- Regarding reference to quarries, it is set that the established commercial urban use renders irrelevant any historic use and the site has been subject to site investigation works.

### **7.2. Planning Authority Response**

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

### **7.3. Observations**

- 7.3.1. No valid observations received.

## **8.0 Assessment**

- 8.1. Having inspected the site and examined the application details and all other documentation on file, including all of the submission received in relation to the appeal, and having regard to relevant local/national policies and guidance, I consider that the main issues in this appeal can be addressed as follows:

- Principle of Development
- Impact on Village character / Built Heritage
- Community and Social Audit
- Impacts on Residential Amenities
- Open Space, Trees & Biodiversity
- Traffic and Transport
- Water Services
- Construction Impacts
- Other Matters

## 8.2. Principle of Development

- 8.2.1. The proposal provides for the demolition of structures on site and the construction of 106 residential units. The site is zoned Z1 – Sustainable Residential Neighbourhoods in the Development Plan with the stated zoning objective *‘To protect, provide and improve residential amenities.’* Residential uses are ‘permissible’ within this zoning category. In addition, the provision of residential development on lands zoned Z1 would be consistent with the policies of the Planning Authority as set out in policy CS07 *Promote Delivery of Residential Development and Compact Growth* to encourage the development of underutilised and brownfield sites, with a view to consolidating and adding vitality to existing centres and ensuring the efficient use of urban lands. I consider the provision of an apartment complex, publicly accessible coffee dock / café plus shared / communal workspace consistent with the concept of urban sustainability and provides for increased residential density in an urban area in line with the objectives of the National Planning Framework
- 8.2.2. It is considered that the proposed development in terms of floor areas, privacy, aspect, natural light and ventilation and private open space would be acceptable and in accordance with Development Plan standards and the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, 2023. The Planning Authority have raised no issues in this regard.
- 8.2.3. Regarding concerns about overdevelopment, I note the plot ratio at 1.52 and site coverage at 43.8% are in accordance with indicative standards as set out in Table 2 *Indicative Plot Ratio and Site Coverage* of the Development Plan which establishes an indicative plot ratio of 1.0-2.5 and site coverage of 45-60/5 for residential areas. I am satisfied that the development is in accordance with Development Plan parameters. The proposed development provides a net density of 172 units per hectare. Table 1: *Density Ranges* of the Development Plan establishes a density of 60-120 (net density) unit per hectare for Outer Suburban locations. Appendix 3.4.1 of the Development Plan recognises that increased density and height is a requirement for building the 15-minute city and achieving compact urban growth. In line with national guidance, higher densities will be promoted within 500 metres walking distance of a bus stop, or within 1km of a light rail stop or a rail station in the plan. I am satisfied that the site is adequately served by a public transport corridor (refer to 8.7 below) and can therefore support high density development in line with the Development Plan policies as set out above. In addition, I consider that the site is

within a 'Central and/or Accessible Urban Location' within easy walking distance (i.e. up to 5 minutes or 400-500m) to/from high frequency urban bus service in accordance with Section 2 of the Apartment Guidelines which can sustainably support higher density apartment development based on the criteria set out in the Apartment Guidelines.

- 8.2.4. I consider that the principle of the proposed development acceptable within this zoning category, subject to the detailed considerations below.

### **8.3. Impact on the Character of the Village/Built Heritage**

- 8.3.1. The appellants argue that despite the ACA designation the distinct urban character of the village is being ruined by inappropriate and unsympathetic building developments that detract from the built heritage of the area and will destroy the village character.

#### *Impact on the Character of the Village*

- 8.3.2. The eastern approach to the site is defined by 'Springvale' 3-5 storey DCC housing development currently near completion and the Church of the Nativity of the Blessed Virgin Mary both of which form a 'gateway' to the village, by contract the historic core is made up of streets and terraces predominately two-three storeys in height. To the immediate northwest of the site is a row of two storey terraced houses known as Mullingar Terrace.
- 8.3.3. Regarding the impact of the design, scale and massing of the proposed development. The first party set out that the design evolution including scale and massing, building height, daylight/sunlight, visual impacts and heritage assessment was informed by the previous SHD process and LRD pre-application process.
- 8.3.4. The design reflects a modern design approach, created through a 'U' shaped building to the northwestern edge (extending to a height of 4/5 storeys with views over the Phoenix Park to the north). Block C contains 10 no. 3-storey duplex 'own door' units fronting Chapelizod Road address the existing scale of the streetscape, in particular, Mullingar Terrace to the west while providing active street frontage and passive surveillance. A linear apartment building (Block B, 3-5 storeys) forms the southeastern edge of the courtyard and responds to the emerging urban structure and building layout of the DCC Housing scheme to the south. Block B contains the ground floor resident amenity spaces at the southern end which activate a small plaza at the front

of Chapelizod road which provide entrance and pedestrian route into the courtyard and through the development.

- 8.3.5. Regarding the scale and massing, Section 4 of Appendix 3 of the Development Plan establishes that there is recognised scope for height intensification within the catchment areas of major public transport corridors and that heights of 3 to 4 storeys will be promoted as the minimum. Greater heights will be considered on a case by case basis, having regard in particular to the prevailing site context and character, physical and social infrastructure capacity, public transport capacity and compliance with all of the performance criteria set out in Table 3 of Appendix 3. The Development Plan states that this is the most commonly occurring height in any given area and *“Within such areas, there may be amplified height... Such amplified height can provide visual interest, allow for architectural innovation and contribute to a schemes legibility”*. Therefore, there is policy support for increased height at this location.
- 8.3.6. As regards finishes, the building will be predominantly finished in brick with some render finishes which will add character and break monotony. Regarding the choice of material, brick was chosen as the dominant material in preference to render because brick is more durable and requires less maintenance. In addition, the main façade materials used in the historic core of Chapelizod are brick of a variety of colours and render of various colours and textures. The proposed external finishes are responsive to this palate of material.
- 8.3.7. The first party argue, and I would agree that the proposed development is more sympathetic to the ‘urban language’ of the area than the existing motor dealership. I accept that the development will present a new form and height of development for this site but not for the immediate area as the precedent for increased height and density has been set by the DCC ‘Springvale’ development currently under construction and whilst the proposal would change the outlook, from neighbouring properties and areas, it is not considered that the extent of the visual change would represent a detrimental negative visual impact particularly in the context of ongoing and proposed development within the surrounding area. I consider the design approach acceptable and that the proposed development would make a positive contribution to the townscape and urban realm.
- 8.3.8. The appellant has prepared a variety of drawings, studies and photomontage images to illustrate the development and its surroundings. The LVIA accompanying the

application establishes that the principal locations from which the proposed development is likely to be visible are along a stretch of Chapelizod Road from of the bridge over the Mill Stream to the Church of the Nativity of the Blessed Virgin Mary. There is a very small potential for the proposed development to be visible from within the Phoenix Park, but visibility from within the park will be almost none except, perhaps, for a short section of the Upper Glen Road northwest of the Chapelizod Gate. There is a public park south of the river Liffey, running alongside St Laurence Road, and there is a possibility that some glimpses of the proposed development may be possible from a footpath and cycleway in that park. There is little or no likelihood of the proposed development being visible from Chapelizod Main Street or from the main body of Chapelizod Village. Therefore, the proposed Linders development can be considered consistent with existing and emerging trends and likely to give rise to 'moderate' landscape and visual effects.

#### *Impact of Architectural Heritage*

- 8.3.9. The impact on architectural heritage was a primary concern raised by third parties. In this regard, I note the site is not located in a designated ACA with the exception of a small portion of the northwestern corner. The site is located in a Red-Hatched Conservation Area as set out in the Development Plan. Section 11.5.3 *Built Heritage Assets of the City of the Plan* states that '*red-lined Conservation Areas are extensive throughout the city. Whilst these areas do not have a statutory basis in the same manner as protected structures or ACAs, they are recognised as areas that have conservation merit and importance and warrant protection through zoning and policy application*'. Chapelizod road along the site frontage, and the northwestern part of the site are located within the Chapelizod Architectural Conservation Area (ACA). Policy BHA7 of the City Plan requires development to "*protect the special interest and character of all areas which have been designated as an Architectural Conservation Area (ACA). Development within or affecting an ACA must contribute positively to its character and distinctiveness and take opportunities to protect and enhance the character and appearance of the area, and its setting, wherever possible...*".
- 8.3.10. The Architectural Heritage Impact Assessment submitted with the application provides an assessment of the scheme in respect of its relationship with Conservation Areas, including the Chapelizod ACA. The AHIA also details the location of nearby protected structures and their relationship with the proposed development. The AHIA states that '*most of the protected structures in Chapelizod and most of the area within the ACA*

*are well to the west of the subject site, and inter visibility between the proposed development and the main body of the ACA or the main group of protected structures in Chapelizod is not likely. There are a large number of protected structures and national monuments in the Phoenix Park, but again, inter visibility between these and proposed development is very unlikely. The proposed development will have no direct effect on the architectural heritage of protected structures in the surrounding area.' I agree.*

8.3.11. In terms of the relationship with the Chapelizod ACA and the adjoining Protected Structures, I note that the new building would replace the existing car showroom on site which is of no architectural merit and currently includes the northwestern portion of the site that is identified within the ACA. The proposed structure will be independent and removed from the existing built heritage elements of the Chapelizod ACA and will have no direct effect on the architectural heritage of protected structures. With respect to contextual references, the building design transitions in scale, form and height to respect and address the immediately adjoining development either site and the addition of a public plaza is welcomed and will create an attractive civic space in the village at this location. I consider the contrast in architectural form and design serve to highlight the adjacent traditional village character, in particular Mullingar Terrace and the church. I also consider the proposal will assist in defining the village entrance and enhance the 'gateway' element. I consider this approach acceptable and in line with the Architectural Heritage Protection Guidelines to respect the physical, historic and aesthetic character and integrity of cultural property and I am satisfied that the development does not impact or reduce the conservation merit of the area.

8.3.12. Regarding the north wall of the site which is part of the perimeter wall of the Phoenix Park and a Protected Structure. The application was accompanied by a report titled 'Deerpark Wall Measures' which sets out in Section 2 that the same mitigation measures will be adopted as per the adjoining 'Springvale' Development to the east in order to ensure the structural integrity of the wall remains intact. Of relevance, the zone of influence for the Deerpark wall is not within the proposed foundations for the building, however, temporary fencing will be erected to isolate the wall during the construction period. I am satisfied that the measures proposed to protect the wall are acceptable.

### Conclusion

8.3.13. In assessing the issues of building height/scale, built heritage, and visual amenity, I have been conscious of the transitioning nature of this area. The proposed development is of a greater height and scale than prevailing building height in the area but is also consistent with the emerging height/scale of development and the relevant Development Plan policies. The city skyline is evolving, and the Development Plan notes that although low rise in nature, certain areas of the city have the capacity to accommodate buildings of greater height. I further note that the proposal will not negatively impact on the cultural heritage and will not reduce the conservation merit of the ACA or adjacent Protected Structures or the Phoenix Park and the modest height of the building will ensure a relatively limited townscape and visual impacts.

In response to the appeals that argue that such overdevelopment will destroy the character of the historic village. The site is removed from the village and whilst the proposal diverts from the established townscape character by providing a high-density neighbourhood in an historically low-density urban environment, this is an unavoidable and not undesirable outcome to comply with compact growth policies of national, regional and local planning policy.

#### **8.4. Community and Social Audit**

8.4.1. The third parties contend that the site does not benefit from good accessibility and the area lacks the required services and amenities to accommodate further development with particular regard to childcare and school capacity.

8.4.2. Section 15.8.2 and Policy QHSN48 of the Development Plan require that applications for large residential developments or mixed-use developments should include provision for community type uses. All residential applications comprising of 50 or more units shall include a community and social audit. A Social and Community Audit accompanied the planning application. I refer the Board to the SCIAA accompanying the planning application demonstrating that there is sufficient social and community infrastructure within 1km of the site to cater for the development, including local shops, services and amenities in addition to a new scout/community hall as part of the adjoining 'Springvale' development all within close proximity. In addition, the development includes a publicly accessible coffee dock / café plus shared / communal workspace. I am satisfied that the site is accessible to relevant services and amenities.

8.4.3. The SCIAA provides a detailed assessment of childcare facilities in the area and the demand for school places to be generated by the proposed development. In response



to concerns raised by third parties as regards the finding of the Social and Community Audit the first party submitted a further response prepared by KBMG Future Analytics.

- 8.4.4. Regarding school capacity the KPMG Audit in April 2023 confirmed capacity of 38 primary school spaces and 80 post primary within the study area. It is also set out that it would not be unreasonable for a student to travel beyond the study area, I would agree and having regard to the relatively modest scale of the development at 106 units, the availability of 38 primary school spaces and 80 post-primary school places would be reasonable, in my opinion, to accommodate the development.
- 8.4.5. Regarding childcare provision, I note the 106 no. units is over the threshold of 75 dwellings referred to in Section 15.8.4 of the Development Plan and the 2001 Childcare Guidelines requiring childcare provision. Policy QHSN55 of the Development Plan seeks 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. As regards current capacity and additional need, Section 5.3 of the Social and Community Audit confirmed 5 no. childcare facilities within 750m-1km of the site with a combined capacity of 200 spaces (as per Tusla records). The first party also set out that planning permission has been granted for 2 large schemes in the area DCC Reg. Ref. 3221/18 for 174 units and ABP Reg. Ref. 313320 for 927 units providing 24 no. spaces and 185 no. childcare spaces respectively. Based on demographic analysis the first party determined that the proposed development is likely to generate a demand for no more than 20 spaces. I am satisfied given the infill and suburban nature of the site that the existing and permitted services in the area will cater for demand generated.

### Conclusion

- 8.4.6. I note the policies and objectives within Housing For All and the National Planning Framework – Ireland 2040 which fully support and reinforce the need for urban infill residential development such as that proposed on sites in close proximity to quality public transport routes and within existing urban areas. I consider this to be one such site. Having regard to the site location relative to the village centre of Chapelizod and public transport, I am satisfied that the site benefits from proximity and accessibility to

a range of community facilities including school and childcare facilities required to support the development, sustainable neighbourhoods and communities.

## **8.5. Impacts on Residential Amenities**

- 8.5.1. Concerns were raised in the third-party submissions regarding the negative impact on the residential amenity neighbouring homes on Mullingar Terrace and Milenda Cottage (adjoining Mullingar Terrace to the immediate west of the site) by reason of overlooking and depriving the existing residents of privacy. Concerns were also raised that Milenda Cottage, 1 Chapelizod Road has not been clearly identified as a separate dwelling on the planning documents submitted and that the property and No. 2 Mullingar Terrace will be cast in constant shadow by the development and overlooked by five storeys of balconies of Block A. It is further argued that adequate daylight testing has not been carried out.

### *Overlooking (Mullingar Terrace and Millenda Cottage)*

- 8.5.2. Regarding overlooking concerns, I note Block A is removed from the boundary of Millenda Cottage and Mullingar Terrace by the existing lane serving the rear of these properties and the rear of the site. The laneway and proposed recessed building line allow for a setback of 8.6m from opposing ground floor living room windows of Milenda cottage and No. 2 Mullingar Terrace. The first party argue that the privacy of ground floor east facing windows of no. 2 Mullingar Terrace and Millenda Cottage would be screened by the proposed high level western boundary wall preventing direct overlooking. I agree.
- 8.5.3. Regarding concerns raised about the impact on privacy as a result of overlooking from the balconies of Block A, I note the rear of the properties on Mullingar Terrace including's Millenda Cottage re occupied by existing extensions and outbuildings with limited amenity space. In addition, the west facing balconies to Block A at first floor level and above incorporate privacy screens. I am satisfied that the proposed privacy screens to the 2 rows of west facing balconies at the southern end of Block A would ensure adequate levels of privacy is maintained and that the proposed development would not significantly detract from the privacy of the residents at No. 2 Mullingar Terrace or Millenda Cottage as currently enjoyed. Regarding bedroom windows of Block A, the first party contend that the windows are above the east facing ground floor windows of Milenda Cottage and No. 2 Mullingar Terrace and would not result in overlooking however, the bottom half of the bedroom windows can be fitted with

frosted or obscure glass should be Board consider this appropriate. I do not consider this necessary, and I am satisfied that there will be no direct overlooking by virtue of the window elevation above those of Milenda Cottage and No. 2 Mullingar Terrace

#### *Communal Roof Garden – Block A*

- 8.5.4. Concerns we're also raised that Mullingar Terrace and Milenda Cottage would be overlook by the roof garden of Block A. I noter the roof terrace is set back ca. 12.9m from Millenda Cottage and Mullingar Terrace, in addition the design provides for a further set back by means of a landscaped edge which means residents cannot approach the edge of the terrace therefore eliminating any downward view towards Mullingar Terrace and Milenda Cottage. I am satisfied that the design including landscaped set back and separation distance will adequate mitigate any potential overlooking.

#### *Daylight Testing*

- 8.5.5. Regarding daylight testing, A Daylight Impact Assessment accompanied that planning application carried out in accordance with 'Site layout Planning for Daylight and Sunlight – A Guide to Good Practice' BRE 3<sup>rd</sup> Edition. I note that document clearly identifies Milenda Cottage as an individual unit as part of the assessment. The report notes that skylight access will change for some of the windows serving Millenda Cottage and No. 2 Mullingar Terrace (windows 12,13,14,15,16,17 & 18 in testing), the results show a departure from BRE guidelines will register for windows 13,15,17 & 18. The windows failed by a margin of 1%VSC or less. Overall, having regard to results of the assessment. The magnitude of the impact is predicated to be negligible to negligible/low. The majority rooms tested conform and those non-conforming windows fall within tolerable bounds.
- 8.5.6. This study also assessed the levels of sunlight access available to eight living rooms in the immediate neighbourhood of the proposed development. In order to assess impacts both the "before development" and "after development" levels were calculated. The results obtained for both annual sunlight access and winter sunlight access demonstrate that all the rooms tested within the study would receive levels of sunlight which exceed advisory minimums.
- 8.5.7. Regarding shadow cast on Millenda Cottage and Mullingar Terrace, the BRE document indicates that for an amenity area to have good quality sunlight throughout

the year, 50% should receive in excess of 2 hours sunlight on the 21st of March. The proposed development meets the recommendations of the BRE guidelines.

### Conclusion

- 8.5.8. Sufficient information has been provided with the application and appeal to allow a comprehensive and thorough assessment of the impacts of the proposals on neighbouring residential amenities, as well as the wider area. I am satisfied that the proposed development would not result in excessive overshadowing or overlooking of neighbouring properties and would not have excessively overbearing impacts when viewed from neighbouring properties, as well as the public realm.

## **8.6. Open Space, Trees and Biodiversity**

### *Public Open Space*

- 8.6.1. With the exception of the proposed public plaza to the front of Block B no public open space has been provided for in the development. The third parties contend that the village is constrained by the Phoenix Park wall and River Liffey valley and there is no public green space in the village. The failure to provide public open space is another lost opportunity to improve the public realm and does not address Policy CCUV 43: *Public Realm* of the Development Plan and should not be agreed.
- 8.6.2. Regarding public open space provision, Table 15-4 of the Development Plan outlines that 10% public open space is required on Z1 zoned lands. Due to the infill nature of the site and tight urban grain the provision of public open space is more challenging. Section 15.8.7 states that where it is not feasible to provide public open space or where it may be considered having regard to the existing provision in the area, it may be more appropriate to seek a financial contribution. In this regard, the first party argue that the proposed public plaza to the front of Block B represents 50% of the Development Plan requirements, complemented by an appropriate financial contribution towards public realm as supported by the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Area (2009) par. 4.2.1 and section 15.83.7 of the CDP.
- 8.6.3. I am satisfied that provision of a new public plaza at this location will improve the public realm at this location and is therefore in accordance with Policy CCUV 43: Public Realm of the CDP. In addition, the site is well serviced by public amenity spaces located 272m from the Phoenix Park to the west of the site and 262m from access to

the Phoenix Park and to Liffey Valley Park to the east of the site via Chapelizod road. Both accommodate a range of activities and provide a local area of high-quality public realm for the benefit of the residents of Chapelizod. I note the PA are agreeable to accepting a contribution in lieu of same in accordance with section 15.8.7 of the Development Plan and the provisions of Dublin City Development Contribution Scheme and in have no objection in this regard owing to the extensive wider public amenities available at this location. The attached recommendation includes a single condition relating to compliance with the provisions of Section 48 of the Development Contribution scheme which includes contribution in lieu of public amenity space.

#### *Trees and Biodiversity*

- 8.6.4. The third parties contend that the six mature trees on site should be retained and raised concerns that the biodiversity plan lacks considered provision. An Arboriculture Impact Assessment and Ecology Assessment accompanied the planning application. The Arboriculture Assessment determined that none of the six Sycamore trees on site are worthy of retention and are of moderate to poor quality. The first party states that in accordance with Policy GI41 *Protect Existing Trees as Part of New Development* that their removal is justified as the trees on site are not of particular visual, amenity or biodiversity significance and do not make a valuable contribution to the environment.
- 8.6.5. I accept that the loss of mature trees is regrettable, but I am satisfied that the loss of trees is balanced against the benefits of developing an underlisted site in an urban area at a time of unprecedented housing crisis. And whilst it may take time, I agree with the contents of the EclA that overtime the negative ecological impacts will reduce as new trees establish and overall, the planting proposed provides for a biodiversity net gain on the site. In addition, I agree with the first party the site will retain its sylvan character due to the presence of the mature trees along the northern boundary within the Phoenix Park providing an attractive backdrop to the development.

#### *Phoenix Park*

- 8.6.6. One third party set out that the applicant has incorrectly answered 'No' to question d) of the supplementary form accompanying the application form in relation to the location of the development, in whole or in part within close proximity to a European site or Natural Heritage Area in so far as the Phoenix Park which shares a site boundary with the site is a designated National Historic Park. For clarity, the site is not

within the Phoenix Park, and neither is the Park a designed European Site of pNHA. Therefore “No” is the correct answer.

- 8.6.7. Regarding concerns that there was no consultation with the OPW regarding the Phoenix Park. No works are proposed within the Phoenix Park and the applicant has stated that works in the vicinity of the boundary wall will include consultation with the OPW as referenced in the ‘Deerpark Wall Measures’. I am satisfied that this matter can be addressed by way of condition.

## **8.7. Traffic and Transportation**

### *Public Transport*

- 8.7.1. The third parties have all expressed concerns that Chapelizod is not well served by public transport. Service is provided by a single bus as all other services are diverted along the Chapelizod By-pass.
- 8.7.2. The Traffic and Transportation report submitted establishes that the site is currently served by a high frequency (every 15 minutes throughout the day and every 10 minutes between 16.20 and 18.40) bus services no. 26. In addition, No. 26 is supplemented with late night services C5 and C6, located within an easy walking distance of the site. The report further sets out that the emerging NTA BusConnects strategy will improve bus services, accessibility and convectively in the area. It is also argued that bus services are provided in response to demand rather than potential /projected demand and where there is increased demand Operators generally improve facilities if it is viable to do so as outlined in ‘Measure BUS5’ of Chapter 12 of the GDA Transport Strategy (2022-2042). Having regard to the frequency of the bus service in the immediate vicinity of the site in addition to the service along the Chapelizod bypass, I am satisfied adequate public transport capacity is available to accommodate the development.
- 8.7.3. Concerns were also raised that the planned bus station on the Chapelizod Bypass is inaccessible to mobility impaired persons. Whilst this may be the case, I note these works are outside of the control of the applicant. In any case the first party has set out that service users can use the existing local bus stop close to the site on Chapelizod Road no. 26 (proposed BusConnects Route 80) or utilise this service to access the C-Spine routes at other bus stops as recommended by the NTA BusConnects integrated strategy.

8.7.4. Regarding the third-party suggestion that the area fronting the site is the most appropriate location for the provision of an eastbound bus indent which will allow for smooth flow of eastbound buses through the village and potentially restore pre Covid bus routes through the village. Whilst I note the NTA submission to the LA also recommended that the local authority takes into account the potential requirement for a bus stop at this site. I agree with the first party this this is not justifiable as the site is within 220m and 300m respectively (3 minutes) walk of eastbound and westbound bus stops and there is no requirement for an additional bus stop in front of the site. In any case the land to the front of the site is in the ownership of DCC and not within the gift of the applicant to cede for the purpose of a bus stop.

#### *Parking*

8.7.5. Concerns were raised about overspill parking which the third parties argue is currently a problem even without the completion of the 'Springvale' development nor this development.

8.7.6. Appendix 5 *Transport and Mobility: Technical Requirements* of the Development Plan establishes that the site is located in Parking Zone 2. Appendix 5 Table 2: *Maximum Car Parking Standards for Various Land Uses* establishes a requirement of 1 car parking space per dwellings in Zone 2 for Houses/Apartment/Duplexes. Therefore for 106 no. units there is a requirement for 106 no. car parking spaces.

8.7.7. Section 4.0 goes on the state 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. Applicants must set out a clear case satisfactorily demonstrating a reduction of parking need for the development based on the fa number of criteria including:

- 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

8.7.8. A Parking Management Strategy accompanied the application. The development makes provision for 84 no. of parking spaces (0.70 / unit) including: 34 no. standard (non EV) car parking spaces - 24 spaces for residents and 8 visitor spaces, 2 no. car share spaces, 4 no. dedicated mobility impaired parking spaces (5% of total provision) and 44 no. dedicated standard EV spaces with charging points (52%) with additional 2 no. Car club and 8 no. visitor spaces (total 84 no. spaces), all of which are located in the basement carpark. As set out above the site is within proximity to a high frequency bus service. Therefore, I am satisfied that 84 no. spaces is acceptable in the context of the site location relative to public transport provision and the promotion of sustainable transport modes and in accordance with Section 4.0 of Appendix 5 of the Development Plan and the Mobility Management Plan accompanying the planning application.

8.7.9. As regards potential overspill, it is not anticipated the development would generate a demand over and above the carpark provided for onsite and a key component in the continued efficiency of on-site car parking will be an active and enforced parking management strategy. This strategy will be managed by the management company. The implementation of the car parking management regime as set out in section 5 of the Parking Management Strategy will therefore ensure that the risk of any 'overspill' car parking on the surrounding streets is minimised.

8.7.10. Accordingly, I am satisfied that sufficient car parking has been provided on the site having particular regard to the location relative to public transport and the provisions of the Development Plan and the Apartment Guidelines 2023 which provide for reduced car parking for development in central and accessible locations.

### *Conclusion*

8.7.11. On balance, the proposed development is located at a well-served urban location close to a variety of amenities and facilities. The site is within walking distance of high frequency Dublin Bus services. The Development Plan contains policies and objectives which promote measures that have the potential to reduce the climate impact of transport by encouraging a shift from private motorised transport to walking, cycling and public transport. It is inevitable that traffic in all forms will increase as more housing comes on stream. However, I am satisfied that the components are in place



to encourage existing and future residents to increase modal shift away from car use to more sustainable modes of transport and this can be achieved by the implementation of the mobility management plan and car parking strategy submitted by the applicant.

## **8.8. Water Services**

- 8.8.1. Third party concerns were raised that the Chapelizod's public sewerage system dates back to Victorian times and the system does not have the capacity to cater for the increased population growth and a separate surface water and sewerage system is required.
- 8.8.2. The surface water and foul water currently discharges into the combined foul system immediately adjacent to the site. As part of the works separate foul and surface water connections will be made to the public drainage network. The surface water runoff will drain to the public surface water sewer at Chapelizod crossroads. This outfall and range of discharge has been agreed with DCC Drainage Dept. and will be reduced to greenfield runoff using SUD's measures. This is acceptable.
- 8.8.3. There is no doubt that foul flow from the site will increase. The third parties have set out that the LA is responsible for wastewater management and that they are failing to adhere to the Water Framework Directive by not updating the wastewater network. Public collection and treatment of wastewater the responsibility of Uisce Eireann (formally Irish Water). A pre-connection enquiry has been made to Uisce Eireann regarding the water connection to the proposed development and UE have confirmed that the connection is feasible to the public network and confirmed the network can accommodate the additional demand generated (Appendix I of the Engineering Services Report submitted). Furthermore, the first party set out that foul sewers have been designed and will be constructed in accordance with the UE's 'Standard Details for Wastewater Infrastructure' and 'Code of Practice for Wastewater Infrastructure'. I note the drainage Department of DCC raised not concerns in this regard. On the basis of the evidence submitted I am satisfied that there is capacity in the network to accommodate the development.

## **8.9. Construction Works**

- 8.9.1. Concern has been raised about the lack of information relating to demolition works, the impact on the residents of Mullingar Terrace in terms of the effect/damage the pile driving will do to their 200-year-old houses which do not have proper foundations. In

addition, concern have also been raised that the works could damage the main sewerage pipe for the terrace.

- 8.9.2. As regard protection of the existing drainage network the first party set out that drainage infrastructure has been identified by reference to DCC records and topographical surveys and accordantly piling will not negatively impact on the existing drainage system.
- 8.9.3. A basement Impact Assessment was completed for the site. By analysing the ground conditions and hydrology of the site, modelling and completing a damage impact assessment, the ground movement analysis concluded that the predicated damage to the neighbouring properties would be in the category of '*Negligible to Slight*'. Appendix D of the appeal response further sets out that an augered piling system will be employed during construction which will provide a low noise and low vibration solution to construing the perimeter retaining walls and internal bearing piles. Vibration monitoring will be in place for the duration of piling works. As with all development, there is potential for construction activity to give rise to noise and vibration emissions. Such emissions will be localised and short term in nature, and I am satisfied that their impacts would be suitably mitigated by the operation of standard measures listed in the Construction Management Plan.
- 8.9.4. Also and of relevance, the first party states that a condition survey of properties immediately adjacent to the site were offered prior to planning lodgement and condition surveys will be offered prior to piling works commencing to all residents of Mullingar Terrace should they wish to record the conditions in advance of piling works. I am satisfied that this matter can be addressed by way of condition should the Board be minded to grant planning permission.

#### *Right of Way*

- 8.9.5. Mullingar Terrace residents raised concerns that the lane will be blocked during construction by builders and construction traffic and that the site office should not be accessed form the lane and should be accessed from the other entrance to the site.
- 8.9.6. The submitted preliminary Construction Management Plan (CMP) sets out that traffic management during the demolition and construction stages will be managed by a dedicated Traffic Logistics Manager (TLM) who will coordinate and mange deliveries to and from the site. It is further set out that vehicular access will be centrally located along the site frontage off Chapelizod Road. A detailed Traffic Management Plan will

be submitted to DCC prior to the commencement of development. Subject to the implementation of these measures. I have no concerns in this regard.

- 8.9.7. As regard the location of the site office and welfare facilities, the first party has confirmed that access to the office and welfare facilities along the western site boundary will only be accessible via foot by construction workers. Therefore, I am satisfied that no vehicular traffic associated with the development will utilise the laneway.

#### Conclusion

- 8.9.8. The application includes a CEMP presented alongside the Construction Management Plan (CMP) which addresses issues such as traffic management, hours of working, delivery times, infrastructure reinstatements, parking and the general management of construction in order to minimise adverse impacts. There is also a Resource Waste Management Plan (RWMP) presented which provides detail on the management of C&D waste and all resource use associated with the proposed development. The CEMP sets out mitigation measures for the protection of amenity and the environment. I am satisfied subject to conditions including final CEMP agreement with DCC that satisfactory measures are in place to address construction works on site.

#### **8.10. Other**

##### *Development Description*

- 8.10.1. One third party submission sets out that the application should be declared invalid, as the development description does not include that the development consists of works to a Protected Structure (Phoenix Park Boundary Wall) or reference to ACA.
- 8.10.2. Article 23 (2), Planning & Development Regulations 2001 (as amended) stipulates that “*A planning application for development consisting of or comprising the carrying out of works to a protected structure, or proposed protected structure or to the exterior of a structure which is located within an architectural conservation area, shall, in addition to meeting the requirements of sub-article (1), be accompanied by such photographs, plans and other particulars as are necessary to show how the development would affect the character of the structure*”. In the first instance the proposed development does not include works to a Protected Structures and only a small portion of the site is located in a designed ACA. While this likely should have been referenced the Architectural Heritage Impact Assessment provides a detailed assessment of the

scheme with respect to the relationship with Conservation Areas, Chapelizod ACA and the location of nearby Protected Structures and I am satisfied that the interested parties were not prejudiced by the content of the public notices.

### *Quarry*

- 8.10.3. One third party contends that the application is incorrect as regards quarries nearby as evident on the 1837 Map provided as part of the Architectural Design Statement. In response the first party state that the existing commercial urban use on site established c. 50years ago and renders irrelevant any historic use, in addition the site has been subject to site investigation works. I agree and based on the documentation on file I have no concerns in this regard.

## **9.0 Environmental Impact Assessment Screening**

- 9.1.1. The application addresses the issue of EIA within an EIA Screening Report that contains information to be provided in line with Schedule 7A of the Planning Regulations. I have had regard to same in this screening assessment. The EIA Screening Report identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment.

- 9.1.2. This proposed development is of a class of development included in Schedule 5 to the Planning Regulations. Schedule 5 to Part 2 of the Planning Regulations provides that mandatory EIA is required for the following classes of development:

- Class 10(b)(i) construction of more than 500 dwelling units,
- Class 10(b)(iv) urban development, which would involve an area greater than 2 ha in the case of a business district\*, 10 ha in the case of other parts of a built-up area and 20 ha elsewhere.

\*a 'business district' means a district within a city or town in which the predominant land use is retail or commercial use.

Class 14 of Part 2 to Schedule 5 of the Planning Regulations provides that mandatory EIA is required for:

- works of demolition carried out in order to facilitate a project listed in Part 1 or Part 2 of this Schedule where such works would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7.

- 9.1.3. The development would provide for the demolition of the existing car sales showroom and ancillary structures with a total floor area of 3,730sqm, the construction of 96 apartments in two blocks and 10 duplex units and associated infrastructural works, including basement structures, all on a gross site area measuring 0.6ha in a non-business district in a built-up urban area. Having regard to classes 10(b)(i) and 10(b)(iv) of Schedule 5 to Part 2 of the Planning Regulations, the proposed development is subthreshold in terms of the mandatory submission of an EIA. The nature and the size of the proposed development is below the applicable class 10(b) thresholds for EIA. Further consideration with respect to 'class 14' demolition works is undertaken below.
- 9.1.4. The criteria within Schedule 7 to the Planning Regulations are relevant in considering whether this proposed development would be likely to have significant effects on the environment that could and should be the subject of EIA. The residential use proposed would be similar to the surrounding land uses in the area, particularly the apartment developments to the west and south. The proposed development would not increase the risk of flooding and it would not give rise to significant use of natural resources, the production of waste, pollution, nuisance or a risk of accidents. The development would be served by municipal foul wastewater drainage and water supplies. There are seven Protected Structures and an ACA in the vicinity of the site, the Conservation Assessment accompanying the application determined no loss of cultural heritage and no significant detrimental impact on the Protected Structures or the ACA as a result of the development. The site does not support substantive habitats or species of conservation significance, as highlighted in the Ecological Impact Assessment submitted with the application. In total three species of bat were detected, Common Pipistrelle, Soprano Pipistrelle and Leisler's Bat. No signs of roosting bats were found in or on any building. Three species of bat were found feeding and commuting. The area where most feeding occurs is along the edge of the Phoenix Park. No roosts were found on site. Two badger setts were identified between 60 metres and 75 metres respectively from Linders garage within the Phoenix Park. These would experience construction noise. The impact is likely to reduce relatively quickly over time given the current exposure of these mammals to disturbance from the other projects under construction. There are potential consequences for nocturnal mammals (in particular, bats and badgers) and daytime birds within the Phoenix Park (not within the site) from these alterations that would contribute to a short-term moderate negative reversible

impact where lighting is not properly controlled. This impact is not considered to be significant. Connectivity of the site with protected areas and their associated qualifying interest species is considered further below in section 9 of this report. The nature and the size of the proposed development alongside this existing development remains below the applicable class 10(b) thresholds for EIA.

- 9.1.5. The reports submitted with the application address a variety of environmental issues and the environmental impacts of the proposed development. The reports demonstrate that, subject to the various recommended construction and design-related mitigation measures, the proposed development would not have a significant impact on the environment. I have had regard to the characteristics of the site, the location of the proposed development, and the type and characteristics of the potential impacts. Having regard to the Schedule 7A information, I have examined the sub-criteria and all submissions, and I have considered all information that accompanied the application and appeal. In addition, noting the requirements of Article 103(1A)(a) of the Planning Regulations, the first party has provided a statement indicating how the available results of other relevant assessments have been taken into account on the effects of the project on the environment carried out pursuant to European Union legislation other than the EIA Directive.
- 9.1.6. Table 3.1 to 3.3 of the the EIA screening information prepared by the first-party appellant addresses the implications and interactions of the proposed development and concludes that the development would not be likely to have significant effects on the environment. I am satisfied that all other relevant assessments have been identified for the purposes of screening for EIA. I have had regard to all of the reports detailed above and I have taken them into account in this assessment, together with the Strategic Environmental Assessment of the Development Plan. I am satisfied that the information required under Article 103(1A)(a) of the Planning Regulations has been submitted.
- 9.1.7. I have completed an EIA screening assessment of the proposed development with respect to all relevant considerations, as set out in Appendix A to this report. I am satisfied that the location of the project and the environmental sensitivity of the geographical area would not justify a conclusion that the proposed development would be likely to have significant effects on the environment. The proposed development does not have the potential to have effects that would be rendered significant by their extent, magnitude, complexity, probability, duration, frequency or reversibility, and this

opinion extends to my conclusion that the proposed development is subthreshold in terms of the mandatory submission of an EIA based on class 14 of Part 2 to Schedule 5 of the Planning Regulations. In these circumstances, the application of the criteria in Schedule 7 of the Planning Regulations to the proposed subthreshold development demonstrates that it would not be likely to have significant effects on the environment and that an EIA is not required should a decision to grant planning permission for the project be arrived at. This conclusion is consistent with the EIA screening information submitted with the subject application and the opinion of the Planning Authority. A Screening Determination can be issued confirming that there is no requirement for an EIA Report to be prepared for the project based on the above considerations.

## **10.0 Appropriate Assessment**

### **10.1. Introduction**

The applicant has prepared an AA Screening and a Natura Impact Statement (NIS) as part of the application. The AA screening report concluded that a hydrological pathway exists between the proposed Project Site and four European sites (listed below) and that in the absence of mitigation the potential for effects on the conservation objectives of these four sites cannot be excluded beyond reasonable scientific doubt. Acting on a strictly precautionary basis, an NIS has been prepared in respect of the effects of the project on, North Dublin Bay SAC, South Dublin Bay SAC South Dublin Bay and River Tolka Estuary SPA, and North Bull Island SPA. The requirements of Article 6(3) as related to screening the need for appropriate assessment of a project under part XAB, section 177U and section 177V of the Planning and Development Act 2000 (as amended) are considered fully in this section.

### **10.2. Compliance with Article 6(3) of the Habitats Directive**

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

connected to or necessary to the management of any European site and therefore is subject to the provisions of Article 6(3).

10.2.2. The applicant has submitted a Screening Report for Appropriate Assessment and a Natura Impact Assessment. The Report provides a description of the proposed development, identifies and provides a brief description of European Sites within a possible zone of influence of the development, an assessment of the potential impacts arising from the development and an assessment of potential in-combination effects. Section 2.4 of the AA Screening Report notes that in the absence of mitigation measures, it is considered that significant effects on the qualifying interests of Dublin Bay are likely via the indirect hydrological pathways to the river Liffey during construction (surface water discharge to existing public surface water network) and operation (surface water discharge to existing public surface water network) which has connectivity to Dublin Bay is uncertain. In line with Departmental Guidance and having regard to ECJ case law and the 'precautionary principle' Stage 2 Appropriate Assessment is required in respect of South Dublin Bay SAC, North Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA, North Bull Island SPA.

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

### **10.3. Stage 1 AA Screening**

The project is not directly connected with or necessary to the management of a European Site and, therefore, it needs to be determined if the development is likely to have significant effects on a European site(s). The proposed development is examined in relation to any possible interaction with European sites designated Special Conservation Areas (SAC) and Special Protection Areas (SPA) to assess whether it may give rise to significant effects on any European Site in view of the conservation objectives of those sites.

#### **10.3.1. Description of Development**

The applicant provides a description of the project in the Appropriate Assessment Screening Report. The development is summarised in Section 3 of this report.

#### **10.3.2. Description of the Site Characteristics**



The applicant provides a description of the project in page in the Appropriate Assessment Screening Report. The site comprises a number of large buildings with a small green wedge to the rear containing six mature trees. There are no streams or open drains on site. The nearest waterbody to the subject site is the river Liffey, located approximately 250m to the southwest of the site boundary. According to the EPA, the water quality of the Dublin Bay coastal waterbody is classified as 'good' and is 'not at risk' based on categorisation for the purposes of the Water Framework Directive.

#### **10.4. Relevant Prescribed Bodies Consulted**

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

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

#### **10.5. Zone of Influence**

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

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

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

- 10.5.3. The AA Screening Report (page 9 & 10) notes having regard to the project attributes the possibility for impacts on European sites is limited to the series of sites associated with the Dublin Bay complex to which the river Liffey flows.
- 10.5.4. The application site is not located within or adjacent to any European site. As set out above the nearest waterbody to the subject site is the river Liffey. Using the source-pathway-receptor model, foul waters from the proposed development will ultimately drain to Dublin Bay, located to the east of the proposed development site, and therefore may indirectly have an impact. Therefore, the European sites with qualifying interests, which are potentially linked to the proposed development are South Dublin Bay SAC (site code: 000210), North Dublin Bay SAC (site code: 000206), South Dublin Bay and River Tolka Estuary SPA (site code: 004024) and North Bull Island SPA (site code: 004006).
- 10.5.5. Given the scale of the proposed development, the lack of a direct hydrological connection, the dilution provided in the estuarine/marine environment and the distances involved other sites in the bay area are excluded from further consideration this screening. I do not consider that any other European sites fall within the zone of influence of the project based on a combination of factors including the nature and scale of the project, the distance from the site to European sites, and any potential pathways which may exist from the development site to a European site, aided in part by the applicant's Appropriate Assessment Screening Report, the conservation objectives of Natura 2000 sites, the lack of suitable habitat for qualifying interests, as well as by the information on file and I have also visited the site.

## 10.6. Screening Assessment

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

European Site Name [Code] and its Qualifying interest(s) / Special Conservation Interest(s) (*Priority Annex I Habitats)	Location Relative to the Proposed Site
<b>SAC:</b>	

<p><b>South Dublin Bay SAC (site code: 000210).</b></p> <p>Mudflats and sandflats not covered by seawater at low tide [1140] Annual vegetation of drift lines [1210] Salicornia and other annuals colonising mud and sand [1310] Embryonic shifting dunes [2110] The NPWS has identified a site specific conservation objective to maintain the favourable conservation condition of the Annex I Habitat Mudflats and sandflats not covered by seawater at low tide [1140], as defined by a list of attributes and targets.</p> <p>Conservation Objective: To maintain or restore the favourable conservation condition of the Annex 1 habitat(s) and / or the Annex II species for which the SAC has been selected.</p>	c.7.8km
<p><b>North Dublin Bay SAC (site code: 000206)</b></p> <p>Mudflats and sandflats not covered by seawater at low tide [1140] Annual vegetation of drift lines [1210] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows (<i>GlaucoPuccinellietalia maritima</i>) [1330] Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410] Embryonic shifting dunes [2110] Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120] Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] Humid dune slacks [2190] <i>Petalophyllum ralfsii</i> (Petalwort) [1395]</p> <p>Conservation Objective: To maintain or restore the favourable conservation condition of the Annex 1 habitat(s) and / or the Annex II species for which the SAC has been selected.</p>	c.11km
<p><b>SPA:</b></p>	
<p><b>South Dublin Bay &amp; River Tolka SPA (site code: 004024).</b></p> <p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046] Oystercatcher (<i>Haematopus ostralegus</i>) [A130] Ringed Plover (<i>Charadrius hiaticula</i>) [A137] Grey Plover (<i>Pluvialis squatarola</i>) [A141] Knot (<i>Calidris canutus</i>) [A143] Sanderling (<i>Calidris alba</i>) [A144] Dunlin (<i>Calidris alpina</i>) [A149] Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157] Redshank (<i>Tringa totanus</i>) [A162] Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179] Roseate Tern (<i>Sterna dougallii</i>) [A192] Common Tern (<i>Sterna hirundo</i>) [A193] Artic Tern (<i>Sterna paradisea</i>) [A194] Wetland and Waterbirds [A999]</p> <p>Conservation Objective: To maintain or restore the favourable conservation condition of the Annex 1 habitat(s) and / or the Annex II species for which the SPA has been selected.</p>	C7.8km
<p><b>North Bull Island SPA (site code: 004006)</b></p> <p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046] Shelduck (<i>Tadorna tadorna</i>) [A048] Teal (<i>Anas crecca</i>) [A052] Pintail (<i>Anas acuta</i>) [A054] Shoveler (<i>Anas clypeata</i>) [A056] Oystercatcher (<i>Haematopus ostralegus</i>) [A130] Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p>	c.11km

Grey Plover ( <i>Pluvialis squatarola</i> ) [A141] Knot ( <i>Calidris canutus</i> ) [A143] Sanderling ( <i>Calidris alba</i> ) [A144] Dunlin ( <i>Calidris alpina</i> ) [A149] Black-tailed Godwit ( <i>Limosa limosa</i> ) [A156] Bar-tailed Godwit ( <i>Limosa lapponica</i> ) [A157] Curlew ( <i>Numenius arquata</i> ) [A160] Redshank ( <i>Tringa totanus</i> ) [A162] Turnstone ( <i>Arenaria interpres</i> ) [A169] Black-headed Gull ( <i>Chroicocephalus ridibundus</i> ) [A179] Wetland and Waterbirds [A999]	
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Conservation Objective: To maintain or restore the favourable conservation condition of the Annex 1 habitat(s) and / or the Annex II species for which the SPA has been selected.

## 10.7. Consideration of Impacts

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

10.7.2. Taking account of the characteristics of the proposed development in terms of its location and the scale of works, the following issues are considered for examination in terms of implications for likely significant effects on the South Dublin Bay and River Tolka Estuary SPA (Site Code 004024), North Dublin Bay SAC (Site Code 000206), South Dublin Bay SAC (Site Code 000210) and North Bull Island SPA (Site Code 004006), relate to:

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

### 10.7.3. *Assessment of Likely Significant Effects on Designated Sites*

10.7.3.1. The proposed development will not result in any direct loss of habitat within Natura 2000 sites and no potential for habitat fragmentation is identified. Similarly, having regard to separation from European sites, construction or operational activity thereon will not result in any disturbance or displacement of qualifying interests of the identified sites. The habitats within or adjoining the site are not of value for qualifying species of these Natura 2000 sites, which are associated with estuarine shoreline areas or wetlands. The site does not provide suitable roosting or foraging grounds for these species. No fauna species being a Qualifying Interest (QI) for any Natura 2000 site

was identified during surveys within the proposed development site. No ex-situ impacts on qualifying species are therefore considered likely.

- 10.7.3.2. The Ecology Assessment submitted states that Bird Surveys of the site were undertaken in September 2020 and January 2022. The bird fauna was very limited within the site due to lack of suitable habitats. There were approximately 30 birds circling very high over the garage and later 40 birds flew east past the site (within the Phoenix Park). There were no signs of nesting gulls from 2020 or 2022 within the site. There were no suitable nest sites for most birds. Some branches of trees overhang the site, but these are not suitable for nesting. There may be potential for individual nests of species such as starling, but no nests or nesting material were seen. Results from the survey suggested the site is not an ex-situ foraging or roosting site for species of qualifying interest from nearby Special Protection Areas (SPAs) such as the North Bull Island SPA and the South Dublin Bay and River Tolka Estuary SPA. Having regard to the separation distance from European Sites and the lack of habitats for qualifying species on the site, or the use of lands in the area by qualifying species, it is not considered that the proposed development gives rise to a risk of significant effects due to collision of qualifying bird species with buildings.
- 10.7.3.3. The river Liffey is c.250 southwest of the site. I note the SFRA identified the site in Flood Zone C, outside the 1 in 1000-year fluvial flood extents. While the proposed development site and the river Liffey are in relative close proximity (c.250 m apart), it is noted that there are no watercourses or open channels linking the two locations, i.e., no direct flow path. It is also noted that the area between the site and the river is long established built ground dominated now by the Chapelizod Industrial Estate. The site is at minimal risk of flooding from the river Liffey.
- 10.7.3.4. Lands in the Phoenix Park opposite the neighbouring site (Springvale) to the southeast have been identified by the OSI as a historic flood plain and previous flooding. There is a large detention basin on the Phoenix Park side of the boundary wall encompassing the old gravel pit. It is apparent during high rainfall events that surface water is intercepted and detained in the detention basin. There is an approximate 2-3m levels difference between the proposed site and the bottom of the detention basin at the boundary to the Phoenix Park. There is also a stone wall to the rear of the site accompanying the stone boundary wall to the Phoenix Park, which sit upon the embankment encircling the detention basin. Records show no flooding of the site and given that the site is at a much higher level than the basin, it would suggest that the

current arrangement is adequate and there is minimal risk of pluvial flooding from the Phoenix Park.

- 10.7.3.5. The proposed development includes a new surface water network which will mitigate the pluvial risk to the site. In terms of potential hydrological connection from the surface water runoff or storm overflows to the river during construction and operational phases. I consider given the location of the site in a built-up area, there is no potential for pollution to enter the watercourses, across the terrestrial buffer via overland flow. Given the nature of the works, all of these effects would be expected to be localised in nature restricted to the immediate vicinity of the site. Any potential pathway is via discharges to the surface water drainage network.
- 10.7.3.6. In relation to the operational phase of the development, I note surface water from the proposed development will discharge to the public surface water sewer system.
- 10.7.3.7. It is a policy of Dublin City Council (SI18) to “require the use of Sustainable Urban Drainage Systems in all new developments, where appropriate, as set out in the Greater Dublin Regional Code of Practice for Drainage Works”. As such, the design entails a suite of SuDS measures that will be incorporated into the proposed development. This will reduce the flow rate of surface water run-off and largely eliminate the risk of pollution to waterbodies arising from surface water run-off during the Operational Phase. While the use of SUDS measures are not intended to avoid or reduce the harmful effects of a project on a European site, they will reduce peak flow rates and the likelihood of suspended solids or hydrocarbons entering the water system. They are clearly not included as a measure to mitigate potential impacts on European sites. Furthermore, the scale of the proposed development relative to the rest of the area served by that system means that the impact on the flows from that system would be negligible and would not have the potential to have any significant effect on any Natura 2000 site. I am satisfied that the potential for likely significant effects on the qualifying interests of European sites in Dublin Bay can be excluded given the indirect and interrupted hydrological connection, the nature and scale of the development featuring a piped surface water network, including standard control features, and the distance and volume of water separating the subject site from European sites in the Dublin Bay area (dilution factor), including the river Liffey.
- 10.7.3.8. It is proposed to discharge foul sewerage by means of a new sewer and discharge to the public sewer running parallel to the footpath on Chapelizod Road in front of the

proposed site. There is an indirect hydrological pathway between the application site and the coastal sites listed above via the public drainage system and the Ringsend WWTP.

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

#### 10.7.4. *In Combination/Cumulative Impacts*

In assessing potential in-combination effects, the screening report identifies a number of developments which are set out in Table 3 '*In combination effects evaluated*' for in-combination effects with developments in the local area of the proposed development' these include:

**DCC Ref.3515/19** – Part 8 Housing Scheme (adjoining site to the East) for 71 apartments. The Local Authority concluded following a preliminary examination that there is no real likelihood of the proposed development having significant effects on the environment and therefore an EIA is not required.

**DCC Ref. 4185/17 – (ABP Ref. ABP-301189-18)** ABP granted permission on 4<sup>th</sup> September 2018 for the demolition of existing vacant factory building and construction of a terrace of three no. 2-storey dwellings and all associated landscaping and drainage works at Backlands to the rear of No. 9 Mullingar Terrace.

10.7.4.1. This project is taking place within the context of greater levels of construction development and associated increases in residential density in the Dublin area. This can act in a cumulative manner through surface water run-off and increased wastewater volumes to the Ringsend WWTP. Significant effects were previously screened out in the afore mentioned development at application stage. It is considered that in combination effects with other existing and proposed developments in proximity to the application area would be unlikely, neutral, not significant and localised.

10.7.4.2. The development is not associated with any loss of semi-natural habitat or pollution which could act in a cumulative manner to result in significant negative effects to any SAC or SPA. There are no projects which can act in combination with the development which can give rise to significant effect to Natura areas within the zone of influence.

10.7.4.3. The expansion of the city is catered for through land use planning by the various Planning Authorities in the Dublin area, including the Dublin City Development Plan 2022-2028. The Development Plan has been subject to AA by the Planning Authority, who concluded that its implementation would not result in significant adverse effects on the integrity of any European sites.

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

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

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

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

## **10.8. Screening Determination**

10.8.1. It is evident from the information before the Board that on the basis of the nature and scale of the proposed development on serviced lands, the nature of the receiving environment which comprises a built-up urban area, the distances to the nearest



European sites and the hydrological pathway considerations, submissions on file, the information submitted as part of the applicant's Appropriate Assessment Screening report that, by itself or in combination with other development, plans and projects in the vicinity, the proposed development would not be likely to have a significant effect on the South Dublin Bay SAC (000210), North Dublin Bay SAC (000206), South Dublin Bay and River Tolka Estuary SPA (004024), North Bull Island SPA (004006), or an European Site in view of the conservation objectives of such sites, and that a Stage 2 Appropriate Assessment is not, therefore, required.

10.8.2. In reaching my screening assessment conclusion, no account was taken of measures that could in any way be considered to be mitigation measures intended to avoid or reduce potentially harmful effects of the project on any European Site. In this project, no measures have been especially designed to protect any European Site and even if they had been, which they have not, European Sites located downstream are so far removed from the subject lands and when combined with the interplay of a dilution affect such potential impacts would be insignificant. I am satisfied that no mitigation measures have been included in the development proposal specifically because of any potential impact to a Natura 2000 site.

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

10.8.4. It is reasonable to conclude that on the basis of the information on file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on North Dublin Bay SAC (000206), South Dublin Bay SAC (000210), North Bull Island SPA (004006) and South Dublin Bay and River Tolka Estuary SPA (004024) or any European site, in view of the sites' Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

## **11.0 Conclusion and Recommendation**

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

## 12.0 Recommended Board Order

### **Planning and Development Acts 2000 to 2020 as amended.**

**Planning Authority:** Dublin City Council

**Planning Register Reference Number:** LRD6005/23-S3

Appeals by 1). Chapelizod Residents Association. 2). Chapelizod Tidy Towns, 3). Friends of the Phoenix Park CLG. 4). The Residents of Numbers 1,3,4,5,6 Mullingar Terrace, against the decision made on the 7<sup>th</sup> July 2023 by Dublin City Council to grant permission to Linders of Smithfield LTD. for the proposed Large Scale Residential Development application subject to conditions.

**Location:** Site known as Quadrant House, Chapelizod Road, including the adjoining site known as 2b Chapelizod Village (rear of 2 Mullingar Terrace) Chapelizod, Dublin 20.

### **Proposed Development:**

Development of a Large-scale Residential Development (LRD) will consist of:

- the demolition of all structures on the site and site clearance works (including the felling of 6 no. trees)
- the construction of 2 no. apartment blocks (Blocks A and B) providing 96 no. apartments (comprising 6 x Studios; 28 x 1 Beds; 47 x 2 Beds and 15 x 3 Beds) and one Duplex block (Block C) providing 10 no. Duplex units (7 x 2 Beds and 3 x 3 Beds).
- internal communal, ancillary residential services / amenities to include a resident's gym (approx. 297 sq.m) at basement level (beneath Block B) and a concierge and amenity space, including a publicly accessible coffee dock / café plus shared / communal workspace at ground floor level within Block B (totally 121.3 sq.m).
- provision is also made for waste storage areas, plant rooms and water attenuation tank and all associated works above and below ground.

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

### **Matters Considered**

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

### **Reasons and Considerations**

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

- (a) the location of the site in an area where residential/mixed use development is permitted under zoning Z1 of the Dublin City Development Plan 2022-2028.
- (b) the policies and objectives of the Dublin City Development Plan 2022-2028;
- (c) The nature, scale and design of the proposed development and the availability in the area of infrastructure;
- (d) The pattern of existing and permitted development in the area;
- (e) The provisions of Housing for All, A New Housing Plan for Ireland 2021;
- (f) The Guidelines for Sustainable Residential Developments in Urban Areas and the accompanying Urban Design Manual – a Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009;
- (g) Urban Development and Building Heights Guidelines for Planning Authorities, prepared by the Department of Housing, Planning and Local Government in December 2018;
- h) The Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of the Environment, Community and Local Government 2022;
- (i) Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2013;
- (j) The Planning System and Flood Risk Management’ (including the associated ‘Technical Appendices’) 2009;
- (k) The Architectural Heritage Protection Guidelines for Planning Authorities 2011.
- (l) The provisions of the Climate Action Plan 2023
- (m) The policies and objectives set out in the National Planning Framework
- (n) The policies and objectives of the Regional and Spatial Economic Strategy for the

Eastern and Midland Regional Assembly

(o) The grounds of appeal received

(p) The observations received

(q) The submission from the Planning Authority

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

### **Appropriate Assessment Screening**

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on European Sites, taking into account the nature and scale of the proposed development on serviced lands, the nature of the receiving environment, which comprises a built-up urban area, the distances to the nearest European sites and the hydrological pathway considerations, submissions and observations on file, the information submitted as part of the subject application Appropriate Assessment Screening Report and application documentation, and the Planning Inspector's report. In completing the screening exercise, the Board agreed with and adopted the report of the Planning Inspector and concluded that, by itself or in combination with other development, plans and projects in the vicinity, the proposed development would not be likely to have a significant effect on any European Site in view of the Conservation Objectives of such sites, other than for European Site No. 004024 (South Dublin Bay and River Tolka Estuary SPA), European Site No. 004006 (North Bull Island SPA), European Site No. 000206 (North Dublin Bay SAC) and European Site No. 000210 (South Dublin Bay SAC).

### **Environmental Impact Assessment Screening**

The Board completed an environmental impact assessment screening of the proposed development and considered that the Environment Impact Assessment Screening Report submitted by the first-party appellant, which contains information set out in Schedule 7A to the Planning and Development Regulations 2001, as amended,

identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment.

Having regard to:

- the nature and scale of the proposed development, which is below the threshold in respect of classes 10(b)(i), 10(b)(iv) and 14 of Part 2 to Schedule 5 of the Planning and Development Regulations 2001, as amended;
- the location of the proposed apartments on lands zoned within the Dublin City Development Plan 2022-2028 and the results of the Strategic Environmental Assessment of the Development Plan;
- the nature of the existing site and the pattern of development in the surrounding area;
- The availability of mains water and wastewater services to serve the proposed development;
- the location of the development outside of any sensitive location specified in Article 299(C)(1)(a)(v) of the Planning and Development Regulations 2001, as amended;
- the guidance set out in the 'Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development', issued by the Department of the Environment, Heritage and Local Government (2003);
- the criteria set out in Schedule 7 of the Planning and Development Regulations 2001, as amended, and;
- the features and measures proposed as part of the project, which are envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the project Resource and Waste Management Plan, Natura Impact Statement, Preliminary Construction Environmental Management Plan, Ecology Impact Assessment, Archaeological Assessment, Conservation Assessment, Arboricultural Impact Assessment, Site Specific Flood Risk Assessment and Civil Engineering Reports.

It is considered that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an environmental impact assessment report would not, therefore, be required.

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

The Board considered that, subject to compliance with the conditions set out below,

the proposed development would constitute an acceptable quantum and density of development in this suburban / brownfield location, would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be acceptable in terms of urban design, height and scale of development, would not detrimentally impact on the built heritage of the area, would be acceptable in terms of impacts on traffic, would provide an acceptable form of residential amenity for future occupants, would not be at risk of flooding, or increase the risk of flooding to other lands and would be capable of being adequately served by wastewater and water supply networks. The Board considered that the proposed development would be compliant with the provisions of the Dublin City Development Plan 2022-2028, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

### **13.0 Conditions**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application received by Dublin City Council on the 7<sup>th</sup> July 2023, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

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

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

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

3. A schedule of all materials to be used in the external treatment of the development to include a variety of high-quality finishes, such as brick and stone, roofing materials, windows and doors shall be submitted to and agreed in writing with, the planning authority prior to commencement of development. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

**Reason:** In the interest of visual amenity and to ensure an appropriate high standard of development.

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

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

5. The construction of the development shall be managed in accordance with a Construction Environmental Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

This plan shall provide details of intended construction practice for the development, including:

- a) A Pre-Construction Invasive Species Management Plan and an Invasive Species Management Plan if required;
- b) Provision for mitigation measures described in the approved NIS;
- c) A pre-construction condition survey of properties on Mullingar Terrace, if required;
- d) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
- e) Location of areas for construction site offices and staff facilities;
- f) Details of site security fencing and hoardings;
- gf) Details of on-site car parking facilities for site workers during the course of construction;
- h) 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;
- i) Measures to obviate queuing of construction traffic on the adjoining road network;
- j) Details of lighting during construction works;
- k) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- l) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site works;
- m) Provision of parking for existing properties at during the construction period;

- n) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- o) 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;
- p) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- q) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.
- r) A record of daily checks that the works are being undertaken in accordance with the Construction Environmental Management Plan shall be kept for inspection by the planning authority.

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

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

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

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

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

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

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

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



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

10. The developer shall comply with the detailed requirements of Transportation Planning Division of Dublin City Council

**Reason:** To ensure a satisfactory standard of development in the interest of public safety.

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

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

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

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

13. Prior to the occupation of the residential units, a Mobility Management Strategy shall be submitted to and agreed in writing with the planning authority. This shall provide for incentives to encourage the use of public transport, cycling, walking. The mobility strategy shall be prepared and implemented by the management company for all units within the development.

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

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

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

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

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

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

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

17. The developer shall comply with the following requirements of the City Archaeologist of Dublin City Council:

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

b) The applicant shall install vibration monitors on all sections of the Phoenix Park Deerpark wall (RPS No. 6781; RMP No. DU018-00701) within the site. A survey of the wall is to be carried out at regular intervals during all phases of works. A report providing the results of the above is to be provided to the Planning Authority.

c) Any temporary works by the main contractor to the wall during construction and from unauthorised access are to be installed per the details on the submitted drawing 200076-X-10-Z01-B1-DR-DBFL-SE-1971 and agreed with the OPW prior to the commencement of any works.

- d) The project shall have an archaeological assessment (and impact assessment) of the proposed development, including all temporary and enabling works, geotechnical investigations, e.g. boreholes, engineering test pits, etc., carried out for this site as soon as possible and before any site clearance/construction work commences. The assessment shall be prepared by a suitably qualified archaeologist.
- e) The archaeologist shall forward their Method Statement in advance of commencement to the Planning Authority
- f) Where archaeological material is shown to be present, a detailed Impact Statement shall be prepared by the archaeologist which will include specific information on the location, form, size and level (corrected to Ordnance Datum) of all foundation structures, ground beams, floor slabs, trenches for services, drains etc. A comprehensive mitigation strategy shall be prepared by the consultant archaeologist and included in the archaeological assessment report.
- g) No subsurface work shall be undertaken in the absence of the archaeologist without his/her express consent. The archaeologist retained by the project to carry out the assessment shall consult with the Planning Authority in advance regarding the procedure to be adopted in the assessment.
- h) One digital copy in pdf format containing the results of the archaeological assessment shall be forwarded on completion to the Planning Authority. The Planning Authority (in consultation with the City Archaeologist and the National Monuments Service, Dept. of Housing, Local Government and Heritage, shall determine the further archaeological resolution of the site.
- i) The developer shall comply in full with any further archaeological requirement, including archaeological monitoring, and if necessary archaeological excavation and/or the preservation in situ of archaeological remains, which may negate the facilitation of all, or part of any basement.

**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

- 18. (a) All areas not intended to be taken in charge by the local authority, shall be maintained by a legally-constituted management company.
- (b) Details of the legally-constituted management company contract, and drawings/particulars describing the parts of the development for which the legally-

constituted management company would have responsibility, shall be submitted to, and agreed in writing with, the planning authority before any of the residential units are made available for occupation. The management scheme shall provide adequate measures for the future maintenance of public open spaces, roads and communal areas.

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

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

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

20. (a) Prior to the commencement of any house or 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 house or duplex unit), pursuant to Section 47 of the Planning and Development Act 2000 ( as amended),that restricts all houses and 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. (b) An agreement pursuant to Section 47 shall be applicable for the period of duration of the planning permission, except where after not less than two years from the date of completion of each specified housing unit, it is demonstrated to the satisfaction of the planning authority that it has not been possible to transact each specified house or duplex unit for use by individual purchasers and/or to those eligible for the occupation of social and/or affordable housing, including cost rental housing. (c) The determination of the planning authority

as required in (b) shall be subject to receipt by the planning and housing authority of satisfactory documentary evidence from the applicant or any person with an interest in the land regarding the sales and marketing of the specified housing units, in which case the planning authority shall confirm in writing to the applicant or any person with an interest in the land that the Section 47 agreement has been terminated and that the requirement of this planning condition has been discharged in respect of each specified housing unit.

**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.

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

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

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

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

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

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Irené McCormack  
Senior Planning Inspector  
16<sup>th</sup> November 2023

## EIA- Screening Determination

A. CASE DETAILS		
<b>An Bord Pleanála Case Reference (318075-23)</b>		
<b>Development Summary</b>	Demolition of all structures on the site and site clearance works. Construction of 96 apartments in two blocks and 10 duplex units.	
	Yes / No / N/A	Comment (if relevant)
<b>1. Was a Screening Determination carried out by the PA?</b>	Yes	EIA not required
<b>2. Has Schedule 7A information been submitted?</b>	Yes	
<b>3. Has an AA screening report or NIS been submitted?</b>		An Appropriate Assessment Screening Report and Natura Impact Statement were submitted with the application. An Ecological Impact Assessment was also submitted with the application.
<b>5. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA</b>		SEA and AA were undertaken in respect of the Dublin City Development Plan 2022-2028

B. EXAMINATION	Where relevant, briefly describe the characteristics of impacts ( i.e. the nature and extent) and any Mitigation Measures proposed to avoid or prevent a significant effect  (having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact)	Is this likely to result in significant effects on the environment?  Yes/ No/ Uncertain
<b>1. Characteristics of proposed development</b> (including demolition, construction, operation, or decommissioning)		
1.1 Is the project significantly different in character or scale to the existing surrounding or environment?	There is a clear consistency in the nature and scale of existing and emerging development in the surrounding area comprising suburban housing and the immediately adjoining 3-5 storey DCC housing development. The proposed development would provide for a new residential development at an outer urban location that is not regarded as being of a scale or character significantly at odds with the surrounding pattern of development.	<b>No</b>
1.2 Will construction, operation, decommissioning or demolition works causing physical changes to the locality (topography, land use, waterbodies)?	The proposed residential development has been designed to logically address the alterations in topography on site, resulting in minimal change in the locality, with standard measures to address potential impacts on surface water and groundwaters in the locality.	<b>No</b>
1.3 Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?	Construction materials will be typical for an urban development of this nature and scale.	<b>No</b>



<p><b>1.4</b> Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?</p>	<p>Construction activities will require the use of potentially harmful materials, such as fuels and other such substances. Use of such materials would be typical for construction sites. Any impacts would be local and temporary in nature and the implementation of the standard construction practice measures outlined in the Outline CEMP, Outline CMP would satisfactorily mitigate potential impacts. No operational impacts in this regard are anticipated.</p>	<p><b>No</b></p>
<p><b>1.5</b> Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?</p>	<p>Construction activities will require the use of potentially harmful materials, such as fuels and other similar substances and give rise to waste for disposal. The use of these materials would be typical for construction sites. Noise and dust emissions during construction are likely. Such construction impacts would be local and temporary in nature, and with the implementation of the standard measures outlined in the Construction Phase Environmental Management Plan, the project would satisfactorily mitigate the potential impacts. Operational waste would be managed through a waste management plan to obviate potential environmental impacts. Other operational impacts in this regard are not anticipated to be significant.</p>	<p><b>No</b></p>
<p><b>1.6</b> Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?</p>	<p>Operation of the standard measures listed in the Construction Phase Environmental Management Plan, will satisfactorily mitigate emissions from spillages during construction and operation. The operational development will connect to mains services and discharge surface waters only after passing through fuel interceptors and SUDS. Surface water drainage will be separate to foul services within the site.</p>	<p><b>No</b></p>

<p><b>1.7</b> Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?</p>	<p>There is potential for construction activity to give rise to noise and vibration emissions. Such emissions will be localised and short term in nature, and their impacts would be suitably mitigated by the operation of standard measures listed in the Construction Phase Environmental Management Plan and Noise Impact Assessment.</p>	<p><b>No</b></p>
<p><b>1.8</b> Will there be any risks to human health, for example due to water contamination or air pollution?</p>	<p>Construction activity is likely to give rise to dust emissions. Such construction impacts would be temporary and localised in nature and the application of standard measures within the Construction Phase Environmental Management Plan and Resource Waste Management Plan would satisfactorily address potential risks on human health. No significant operational impacts are anticipated for the piped water supplies in the area.</p>	<p><b>No</b></p>
<p><b>1.9</b> Will there be any risk of major accidents that could affect human health or the environment?</p>	<p>No significant risk is predicted having regard to the nature and scale of the development. Any risk arising from demolition and construction will be localised and temporary in nature. The site is not at risk of flooding.</p>	<p><b>No</b></p>
<p><b>1.10</b> Will the project affect the social environment (population, employment)</p>	<p>Development of this site would result in an increase in population in this area. The development would provide housing that would serve towards meeting an anticipated demand in the area.</p>	<p><b>No</b></p>
<p><b>1.11</b> Is the project part of a wider large scale change that could result in cumulative effects on the environment?</p>	<p><b>No</b></p>	<p><b>No</b></p>
<p><b>2. Location of proposed development</b></p>		
<p><b>2.1</b> Is the proposed development located on, in, adjoining or have the potential to impact on any of the following: a) European site (SAC/ SPA/ pSAC/ pSPA)</p>	<p>The nearest European sites are listed in Section 8 of this report and other designated sites are referenced in the application AA Screening Report &amp; NIS. Protected habitats or</p>	<p><b>No</b></p>

<ul style="list-style-type: none"> <li>b) NHA/ pNHA</li> <li>c) Designated Nature Reserve</li> <li>d) Designated refuge for flora or fauna</li> <li>e) Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan</li> </ul>	<p>habitat suitable for substantive habituating of the site by protected species were not found on site during ecological surveys. The proposed development would not result in significant impacts to any protected sites, including those downstream</p>	
<p><b>2.2</b> Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be significantly affected by the project?</p>	<p>The proposed development would not result in significant impacts to protected, important or sensitive species</p>	<p><b>No</b></p>
<p><b>2.3</b> Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?</p>	<p>The site is within an area of archaeological potential. Any impact will be mitigated by Archaeological monitoring on site. Adjoining Protected Structures are removed from the site. The impact of the development is not anticipated to be significant</p>	<p><b>No</b></p>
<p><b>2.4</b> Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?</p>	<p>No such features are in this outer-urban location, with the site separated from agricultural areas by intervening urban lands and road infrastructure</p>	<p><b>No</b></p>
<p><b>2.5</b> Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?</p>	<p>The development will implement SUDS measures to control surface water run-off. The development would not increase risk of flooding to downstream areas with surface water to discharge at greenfield runoff rates.</p>	<p><b>No</b></p>
<p><b>2.6</b> Is the location susceptible to subsidence, landslides or erosion?</p>	<p><b>No</b></p>	<p><b>No</b></p>
<p><b>2.7</b> Are there any key transport routes(eg National primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?</p>	<p>The site is served by a local road network. There are sustainable transport options available for future residents. No significant contribution to traffic</p>	<p><b>No</b></p>

	congestion is anticipated to arise from the proposed development.	
<b>2.8</b> Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be significantly affected by the project?	The site is in close proximity to a hospital and schools. However there is no negative impact anticipated as a result of the proposal.	<b>No</b>
<b>3. Any other factors that should be considered which could lead to environmental impacts</b>		
<b>3.1 Cumulative Effects:</b> Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?	No existing or permitted developments have been identified in the immediate vicinity that would give rise to significant cumulative environmental effects with the subject project.	<b>No</b>
<b>3.2 Transboundary Effects:</b> Is the project likely to lead to transboundary effects?	<b>No</b>	<b>No</b>
<b>3.3</b> Are there any other relevant considerations?	<b>No</b>	<b>No</b>
<b>C. CONCLUSION</b>		
<b>No real likelihood of significant effects on the environment.</b>	<b>Agreed</b> <input type="checkbox"/>	<b>EIAR Not Required</b>
<b>Real likelihood of significant effects on the environment.</b>	<input type="checkbox"/>	<b>[REDACTED]</b>
<b>D. MAIN REASONS AND CONSIDERATIONS</b>		
<p>Having regard to</p> <ul style="list-style-type: none"> <li>• the nature and scale of the proposed development, which is below the threshold in respect of classes 10(b)(i), 10(b)(iv) and 14 of Part 2 to Schedule 5 of the Planning and Development Regulations 2001-2022;</li> <li>• the location of the proposed residential units on lands zoned within the Dublin City Development Plan 2022-2028 as 'Z1 - Sustainable Residential Neighbourhoods' with a stated objective 'to protect, provide and improve residential amenities', and the results of the Strategic Environmental Assessment of the Development Plan;</li> <li>• the nature of the existing site and the pattern of development in the surrounding area;</li> </ul>		

- the availability of mains water and wastewater services to serve the proposed development;
- the location of the development outside of any sensitive location specified in Article 299(C)(1)(a)(v) of the Planning and Development Regulations 2001, as revised;
- the guidance set out in the 'Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development', issued by the Department of the Environment, Heritage and Local Government (2003);
- the criteria set out in Schedule 7 of the Planning and Development Regulations 2001, as revised, and;
- the features and measures proposed by the applicant that are envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified to be provided as part of the project Construction Management Plan, the Outline Construction Phase Environmental Management Plan, the Conservation Assessment and the Engineering Services Report. It is considered that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an environmental impact assessment report would not, therefore, be required.

**Inspector** \_\_\_\_\_

**Date** \_\_\_\_\_

**Approved (DP/ADP)** \_\_\_\_\_

**Date** \_\_\_\_\_